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Appendix 11 Aboriginal Archaeological  
Assessment

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**Insite Heritage Pty Ltd**  
PO Box 98  
Wangi Wangi NSW 2267  
Ph/Fax 02 49755 818  
insite@idl.net.au

***Aboriginal Archaeological Assessment  
Ashton Coal Project – Proposed Diversion of  
Bowmans Creek***

**Report to:**  
Ashton Coal Operations Ltd

October 2009

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## ***Executive Summary***

Insite Heritage Pty Ltd has been commissioned by Ashton Coal Operations Ltd (ACOL) to provide an Aboriginal archaeological heritage assessment of an area subject to two proposed realignments of Bowmans Creek, (herein described as the study area).

ACOL currently operate both underground and open cut coal mines approximately 14km north of Singleton in the Hunter Valley. The study area adjoins the current underground operations and is separated from the open-cut by the New England Highway.

Previous archaeological assessments of ACOL projects have been carried out by Insite Heritage over 2007 – 2009. This data formed the basis of the assessment of impact of the proposed creek diversions. Consultation with the Aboriginal stakeholders regarding the cultural assessment of the impacts and the identification of appropriate mitigation strategies form a pivotal part of this project.

There are seven (7) archaeological sites (artefact scatters and isolated finds) identified on the western side of Bowmans Creek. Of those none will be directly impacted by the creek diversion however the terrace flanking Bowman's Creek has been identified as potential archaeological deposit. The eastern diversion is located below a significant site (the Waterhole site) adjacent to the New England Highway, which will not be impacted. However, the eastern diversion is likely to impact on potential subsurface deposits on the flood plain.

As a result it is proposed to develop a salvage strategy with the Aboriginal stakeholders to mitigate against the impact to these deposits. Detailed recommendations are contained within the body of this report (refer to Section 6.0 and Appendix D).

The authors of this report are Angela Besant and Elizabeth Wyatt of Insite Heritage Pty Ltd.

## **1.0 Project Overview**

### **1.1 Location**

The study area is located in the Hunter Valley, New South Wales, approximately 14km north of Singleton adjacent to the New England Highway and near the village of Camberwell.

The section of Bowmans Creek applicable to this assessment is located south of the New England Highway and north of the Hunter River.

The general location of the study area is outlined in Figure 1. Figure 2 shows the location of the proposed diversions on the eastern and western flanks of Bowmans Creek.

### **1.2 Project Details**

The Ashton Coal Project (ACP) is located approximately 14km northwest of Singleton in the Hunter Valley region of New South Wales. The project includes an open cut mine, an underground mine, a Coal Handling and Preparation Plant and associated rail siding and infrastructure. The mine has been developed in a staged manner, with the infrastructure and open cut mine developed concurrently.

ACP was granted consent on 11 October 2002 by the Minister of Planning pursuant to the provisions of the Environmental Planning and Assessment Act 1979 (Development Consent No. 309-11-2001-i). There are over 250 individual consent conditions that apply to the project.

Development of the underground mine commenced in December 2005 and is accessed through the southern wall of the Arties Pit under the New England Highway. Approval for secondary extraction of longwalls (LW) 1 to 4 in the Pikes Gully Seam was granted in March 2007 by the Department of Primary Industries - Minerals (DPIM). This approval and associated Subsidence Management Plan applies to LW 1 to 4 in the Pikes Gully Seam only. Ashton's underground mine is proposed as a multi-seam extraction and plans to extract four coal seams in descending order (Pikes Gully, Upper Liddell, Lower Liddell, and Lower Barrett).

Following completion of LW4, underground mining will progress to the west into panels 5 through to 8. The Subsidence Management Plan for Longwalls 5 to 8 received conditional approval on the 2<sup>nd</sup> of July, 2009. Longwall 9 is currently subject to a development consent variation. Mining in this area will pass beneath Bowmans Creek and the associated saturated alluvium. Following extensive investigation, the mine plan in this area has been designed to feature a combination of both full-width longwalls and miniwalls (MW) to minimise subsidence impacts beneath Bowmans Creek and the associated saturated alluvium.

The proposed development seeks to obtain a variation to the development consent area for ACOL current underground mining operations to allow for the diversion of Bowmans Creek. This is required to allow the use of full length longwall panels under sections of Bowmans Creek.

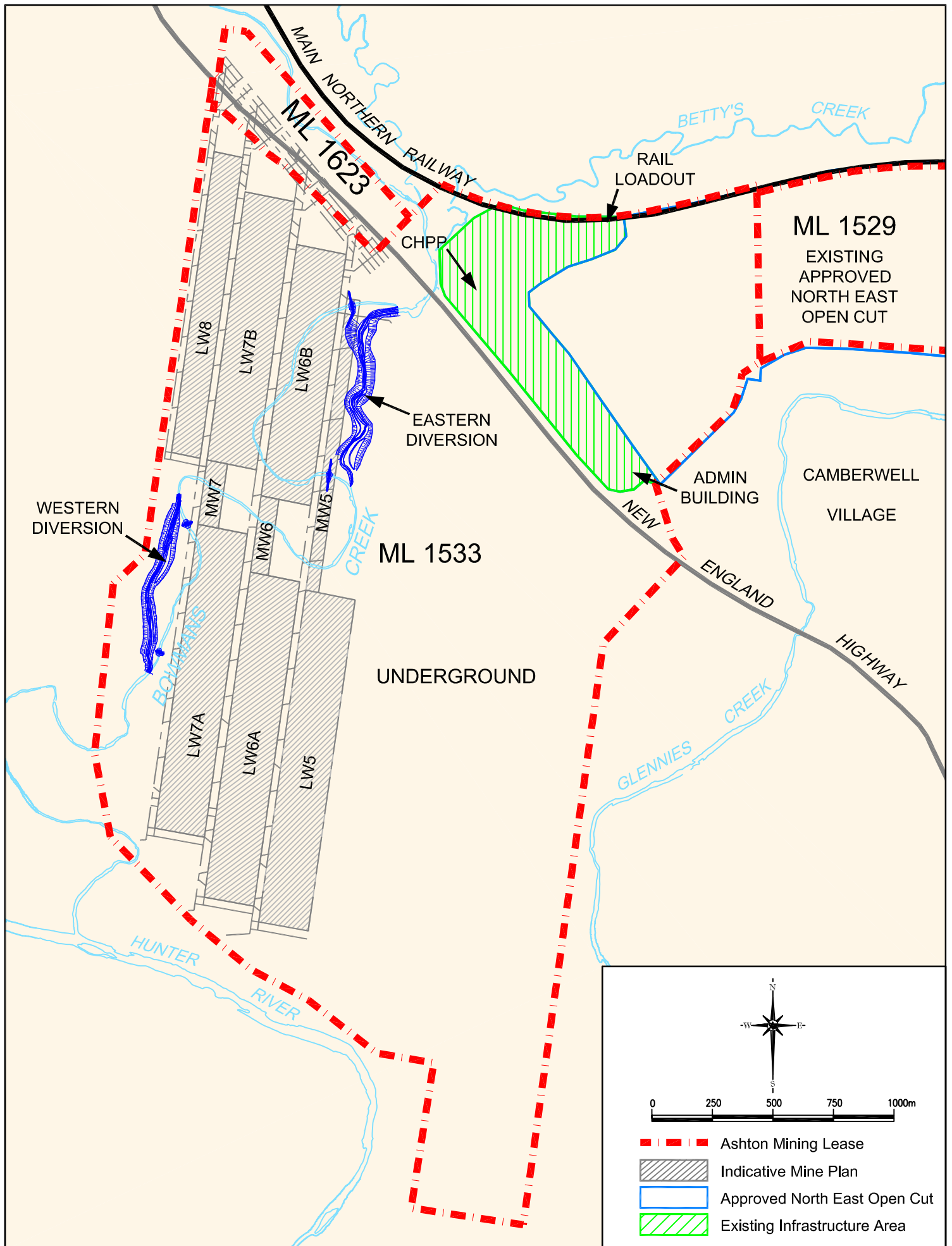
The excavation for the creek realignment will impact on a corridor of a minimum width of 30m wide to a maximum of about 100m wide and are generally orientated north/south. One diversion is required on the eastern side of Bowmans Creek and

another on the western side. The width and depth (+/- 5 metres) are required to match the existing channel. The diversions have a lineal extent of approximately 850 metres on the eastern diversion and 780 metres in the western diversion (see Figure 2). Associated earthworks will involve the use of the alluvial soils from the excavation of the channels, to fill subsidence depressions over the adjacent terraces (blue hatched area Figure 2).



Figure 1 The Ashton Coal Operations lease, Camberwell NSW (courtesy ACOL)





**Bowmans Creek  
Diversion Project**

**Figure 2  
Proposed Creek Diversions and Longwall Layout  
Assuming Stacked Arrangement**

### 1.3 Community Consultation

Community consultation for the project was conducted by Wells Environmental Services and ACOL.

Letters of notification of the project and a request for the contact details of Aboriginal stakeholder groups who may have an interest in the project were sent to DECCW (Department of Environment, Climate Change and Water), NSW Native Title Services, Office of the Registrar of Aboriginal Owners, Office of the Registrar ALRA and Singleton Council on the 27th August, 2009.

Thirty one letters of invitation to register an interest in the project were sent to all stakeholders known to ACOL in accordance with their own register (refer to consultation log in Appendix E).

Advertisement of the project inviting registration of interest from Aboriginal community groups and individuals were placed in the public notices section of the Singleton Argus and the Sydney Morning Herald on the 11<sup>th</sup> September, 2009 (Appendix A).

A total of 26 persons or groups registered interest in the project and are hence forth referred to as the stakeholders. All stakeholders have been provided a copy of the draft report. A stakeholder meeting was held at ACOL offices on the 13<sup>th</sup> October 2009, to discuss stakeholder perceptions of the project and the cultural values of the area. Potential mitigation measures were also raised at the meeting. At the request of the community a workshop has been scheduled for the 24<sup>th</sup> and 25<sup>th</sup> of October.

**Table 1 List of Community Groups who have registered in response to the consultation process.**

Wonnarua Culture Heritage	Wonn1 Contracting	Hunter Valley Cultural Surveying
Yinarr Cultural Services	Yarrowalk Enterprises	Hunter Valley Cultural Consultants
Upper Hunter Heritage Consultants	Gidawaa Walang	Ungooroo Cultural and Community Services Incorporated
Giwirr Consultants	Ungooroo Aboriginal Corporation	Cacatua Cultura Consultants
Aboriginal Native Title Consultants	Scott Franks	Wonnarua Custodians Aboriginal Corporation
Carrawonga Consultants	Minggaa Consultants	Lower Hunter Wonnarua Council Inc
Culturally Aware	Upper Hunter Wonnarua Council Inc	Wanaruah Custodians Aboriginal Corporation
Bullen Bullen Consultants	Muswellbrook Cultural Consultants	Wanaruah Local Aboriginal Land Council.
Wattaka Wonnarua Traditional Owners	Wonnarua Nation	

Mrs Barbara Foot of the Wonnaruah Custodians has registered interest in the project by contact with Sarah Paddington of DECCW. Mrs Foot has described the importance of the Bowmans Creek area and her concerns can be seen in Appendix D. Many of the sites referred to by Mrs Foot have been recorded in studies of the local area. Of particular interest to this project is reference to a fish trap. Continued

consultation with Mrs Foot will be undertaken to help elucidate the potential location of the fish trap.

All registered parties have been forwarded a copy of the draft report for their review and comment. See Appendices A, B, C and D for the project advertisements, notifications, stakeholder register and consultation log. Appendix D contains community responses received to the 15<sup>th</sup> October 09.

## **1.4 Description of Study Area**

The landforms within the study area consists of creek bank, terrace and flood plain, which has been cleared and subject to a long history of pasture improvement and probable ploughing. The study area is periodically grazed by stock. Bowman's Creek forms a confluence with the Hunter River approximately 150m south of the study area.

### *Geology & Soils*

The study area is predominantly located within the Hunter Soil Landscape situated in the land adjacent to Bowmans Creek (Kovac 1991).

The generalised geology of the Hunter Valley places the study area within the Late Permian Singleton Coal Measures and comprises coal, tuff, conglomerates, shales, fluvial and barrier sandstones (Drysdale *et al*, 2000:12).

The soils of the Hunter Soil Landscape are formed from Quaternary alluvium with the main types consisting of Brown Clays and Black Earths on former channels and tributary flats. Alluvial Soils occur on levees and flats adjacent to the current channel with Red Podzolic Soils and Lateritic Podzolic Soils on former terraces and Non-calcic Brown Soils and yellow Solodic Soils in some drainage lines (Kovac & Lawrie 1991:212).

The flood regime of the Hunter Valley has impacted on the alluvial soils along the Hunter River and major tributaries including Bowman's Creek (Geary *et al*, 2000:70). Deep cuts along Glennies Creek- a similar context to the study area, have exposed alluvial soils of over 4m thick.

### *Landform & Topography*

The Hunter Soil landscape is located on the level flood plains and river terraces of Bowmans and Glennies Creek. Elevations range from 20-60m with slope gradients from 0-3%. Local relief is less than 10m (Kovac & Lawrie 1991:213).

### *Vegetation*

Local native vegetation comprises open-woodland with main tree species of ironbark, yellow box, white box, and eucalypt with a grassy understorey (Drysdale *et al*, 2002:25).

Few stands of native vegetation remain in the study area due to the clearing of land for agricultural purposes. Casuarinas are common along Bowman's Creek.

### *Hydrology*

The study area crosses Bowman's Creek, a permanent (third order) stream and tributary to the Hunter River. The confluence of the Hunter River and Bowman's Creek is approximately 150m south of the study area. A number of ephemeral streams (first and second order) flow into Bowman's Creek within the study area. .

The 1:100 flood levels of the Hunter Valley cover the low floodplain and first and second terraces of Bowman's Creek and deposit sediments up to 50cm thick (Mitchell, 2002:7).

## **2.0 Archaeological Context**

### **2.1 Regional Indigenous Archaeological Context**

Aboriginal occupation within the Central Lowlands of the Lower Hunter Valley occurred over 20,000 years ago. Koettig (1986) recorded a date of 20,200 BP from a hearth at Glennies Creek to the north of Singleton. An Aboriginal site on the Liverpool Plains has been dated to at least 19,000 BP (Gorecki *et al*, 1984). The majority of dated sites within the Hunter Valley are less than 4,000 years old (Brayshaw 1994).

Tindale (1974) and Horton (1999) place Camberwell in the area of the Wonnarua peoples, bordering the Awabakal to the east and Worimi to the north. The environment of the Hunter Valley has been reviewed by Brayshaw (1984) based on the records of early explorers. The explorers reported areas of rich meadow, thinly timbered with deep loam soils. Rivers were described with abundant fish. Food resources included 'possum, bear (*koala*), wallaby, kangaroo rat, bandicoot, porcupine (*echidna*), flying fox,' (Dawson in Brayshaw n.d.). Also "they were expert hunters of the wild ducks, pigeons and brush turkeys. The gins and children hunted and captured the smaller animals, and sought out the hiding places of various grubs and the nests of the native stingless bees" (Green in Brayshaw n.d).

Research in the Hunter Valley has attempted to address various questions related to Aboriginal culture, lifestyles and change over time. Subjects studied include tool manufacture and distribution of stone resources, trade, potential for Pleistocene sites, camp site distribution in the landscape, and landscape modelling.

Material culture of the local Aboriginal people included items made of wood, bark, plant fibres, stone, shell and bone including such items as spears, clubs, shields, dishes, canoes, nets, cloaks, cord and cutting implements.

The Aboriginal population of the region suffered greatly following the arrival of European settlers. Populations were greatly reduced due to the introduction of previously unknown diseases and traditional social structures disintegrated. A significant Aboriginal population remains in the area today and they take an active interest in their cultural heritage.

### **2.2 AHIMS Search**

A search of the AHIMS (Aboriginal Heritage Information Management System) register was conducted for an area of 30 square kilometres surrounding the study area. The search identified 50 sites recorded in that area. Table 2 contains the results of the search. Figure 3 shows the general locations of the AHIMS results. Figure 4 shows the proposed diversions, maximum subsidence of the longwalls after extraction of the Pikes Gully Seam and indigenous sites near the impact area including those recorded in 2009 as part of the Longwall 9 study which were not on the register at the time of the search.

**Table 2 Results of AHIMS search**

<b>Site_No</b>	<b>Site Name</b>
37-3-0006	Bowmans Creek Camberwell
37-3-0500	ASH 4 This is the Waterhole Site by an earlier recording.
37-3-0501	ASH 5
37-3-0502	ASH 6
37-3-0503	ASH 7
37-3-0511	ASH 15
37-3-0512	ASH 16
37-3-0513	ASH 17
37-3-0514	ASH 18
37-3-0515	ASH 19
37-3-0516	ASH 20
37-3-0517	ASH 21
37-3-0518	ASH 22
37-3-0529	Ashton EWA 24
37-3-0533	Ashton Peak Ridge site
37-3-0534	Ashton Hunter River slope site
37-3-0535	Ashton EWA 97
37-3-0536	Ashton High Spur site
37-3-0537	Ashton High Ridge Workshop site
37-3-0538	Ashton Glennies Flats2 site
37-3-0539	Ashton Glennies Flats site 1
37-3-0540	Ashton Glennies Bluff site
37-3-0541	Ashton Glennies Creek site
37-3-0543	Ashton EWA 80
37-3-0544	Ashton EWA 50
37-3-0545	Ashton EWA 51
37-3-0546	Ashton EWA 52
37-3-0547	Ashton EWA 56
37-3-0548	Ashton EWA 57
37-3-0549	Ashton EWA 60
37-3-0550	Ashton EWA 68
37-3-0551	Ashton EWA 69
37-3-0552	Ashton EWA 70
37-3-0553	Ashton EWA 71
37-3-0554	Ashton EWA 78
37-3-0555	Ashton EWA 83
37-3-0556	Ashton EWA 89
37-3-0557	Ashton EWA 91
37-3-0562	SC - 1
37-3-0572	SC - 12
37-3-0573	SC - 13
37-3-0577	SC - 17
37-3-0578	SC - 18
37-3-0579	SC - 19
37-3-0580	SC - 20
37-3-0581	Ashton EWA 93
37-3-0737	Ashton EWA 77
37-6-0235	Rixs Creek
37-6-0236	Rixs Creek

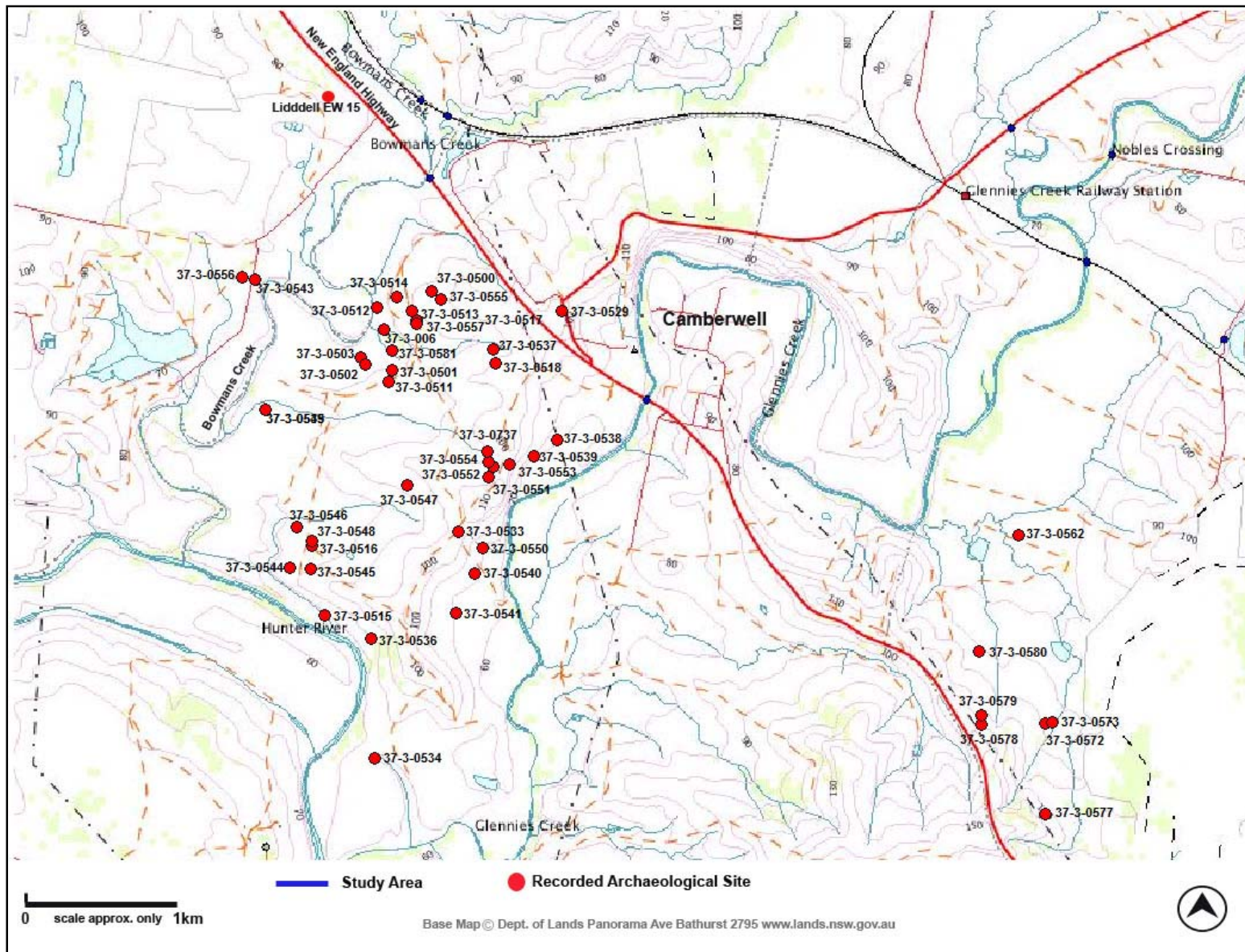
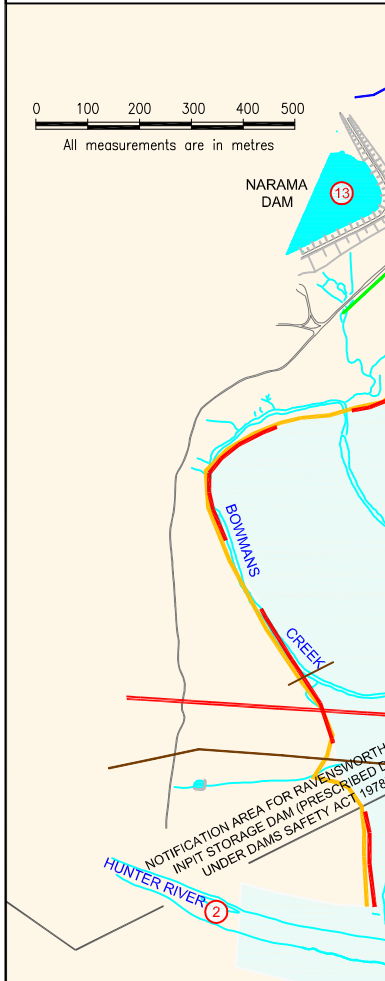


Figure 3 Location of recorded archaeological sites as per the AHIMS search in proximity to the study area.

Ref. No.	Subsidence Impacts
①	Bowmans Creek and associated alluvial
②	Hunter River
③	New England Highway
④	Powertel fibre optic cable
⑤	132kV and 66kV electricity lines
⑥	Local area electricity line
⑦	Telstra underground cable
⑧	Bowmans Creek flow gauging station
⑨	Brunkers Lane (private road)
⑩	Macquarie Generation access road
⑪	Macquarie Generation sedimentation ponds
⑫	Polyethylene water pipes / tailings pipes
⑬	Narama Dam
⑭	Proposed Water Storage Dam (Ravensworth Void 5 flyash dam)
	Ashton Infrastructure comprises fences, a farm access track & tailings pipelines.

Legend	
	Ashton Mining Leases
	Pikes Gully Seam Thickness Isopachs
	Pikes Gully Seam Depth of Cover Isopachs
	Powerlines
	Local Powerlines
	Fibre Optic Cable
	Telstra U/G Cable
	Polyethylene Water Pipe
	Road
	Pond / Dam
	Dam Notification Area
	Bowmans Ck. Alluvium Boundary
	Bowmans Ck. Saturated Alluvium Boundary
	Bowmans Ck. Saturated Alluvium
	EWA91 Archeological Sites



**Bowmans Creek Diversion Project**  
Creek diversions in relation to Aboriginal sites located by various surveys

**Figure 4**



## 2.3 Local Indigenous Archaeological Context

A review of previous archaeological assessments was conducted in proximity to the proposed development in order to place the study area into an archaeological context.

Koettig (1986) excavated a number of sites on the alluvial flats of Glennies Creek following a survey for the Glennies Creek to Singleton pipeline. Excavations revealed distinct A and B soil units and a geomorphologist who investigated this site suggested that the B unit could date from 10,000 to 30,000 years old. Of note, one site was radiocarbon dated to over 13,000 years BP and contained evidence of a hearth and associated artefacts. Excavation showed that these sites represented discrete activity units, knapping floors, ovens, hearths and heat treating areas; distance between these features was unpredictable, and their distribution along the creek lines did not have a pattern. All the dated sites found at Camberwell were of the mid-Holocene period (Koettig 1992).

Stuart (1999) surveyed an area for a proposed waste rock dump to the east of Glennies Creek and to north of the Camberwell village. The survey concentrated on an area along Station Creek, a tributary of Glennies Creek. The survey located 3 artefact scatters and 16 isolated finds. No sites were assessed as being of high significance, one artefact scatter was regarded as being of medium significance and the remainder were of low significance.

HLA Envirosiences (2005) conducted subsurface investigations for the proposed extension of the Rail Unloader Facility at Newdell Junction, just north of Ravensworth for Macquarie Generation. The previous survey identified three sites (MG#1, 2 &3), all open artefact scatters, located on lower slope and in an open depression. The main artefact types recorded at the sites include flakes, broken flakes, retouched flakes and cores, with raw material types of silcrete, mudstone and fine grained siliceous (FGS). Subsurface testing at sites MG#1 and MG#2 and in designated areas of sensitivity across the site. A total of 197 whole and broken artefacts were recovered from subsurface testing, with the majority (156) were identified as flakes. 24 retouched flakes were also recorded of which 5 were backed artefacts. 5 cores were also identified. 88 of the artefacts were manufactured from silcrete, and 88 from FGS. Small numbers of chert, volcanic and quartz were also recorded. The majority of artefacts were recovered from areas of testing located on the lower slopes. Only three artefacts were recovered from test pits located on the alluvial flat, but it was considered that artefacts may have been removed from this area due to flooding or buried deeper than 80cm the limit of the excavations. Buried deeper would be consistent with the Koettig 1992 findings.

Umwelt (2002) conducted an archaeological assessment for enlargement of a mine water storage dam for the Nardell Coal Mine. The survey covered an area of approximately 1200 x 300m and was situated on a hill and gently sloping land to the north of the New England Highway and south of the Macquarie Generation coal conveyor, north of Ravensworth. The survey identified six sites (N1-N5 and the Dam Site) predominantly open artefacts scatters.

The Umwelt (2002) survey also revisited five sites identified by Stuart (1996) located in Nardell Colliery land, north of the Macquarie Generation coal conveyor (Nard 8,9,11,12&13). The dominant raw material types were mudstone and silcrete with some porcellanite and glass with main artefact types recorded as flakes, broken flakes, flaked pieces and cores. The largest site recorded by Stuart and re-recorded

by Umwelt, Nard 12 (37-3-0523), comprises of 150 artefacts in a 50m x 30m area. Severe sheet erosion and previous disturbances were noted at the site.

In 2004 Umwelt surveyed land at Glendell for a proposed open cut mine project. This area is approximately three kilometres to the north of the study area and comprises similar landform units, within the Glennies and Bowman's Creek catchments. The survey recorded 29 artefact scatters, 7 isolated finds and a quarry site. The majority of sites were within 30m of watercourses (63%). Three sites contained more than 100 artefacts with mudstone being the most commonly utilised material followed by silcrete. Two sites were deemed to be of high significance and three to be of moderate to high significance.

### *2.3.1 Surveys within the ACOL Lease Area.*

HLA Envirosiences (2001) carried out an archaeological assessment for White Mining Ltd at Camberwell for the Ashton Coal Project. This area included the eastern diversion within the current study area. The study area included the land between Bowmans and Glennies Creeks. Vehicle and foot surveys were conducted over the 801ha proposed for impact (HLA 2001:16). The survey identified twenty four archaeological sites. Twenty of the recorded sites were identified as artefacts scatters ranging from 2 to approximately 200 artefacts, with the majority containing 4-10 artefacts. Four isolated artefacts were also recorded. The majority of recorded artefact types were flakes pieces and flakes with some cores and tools, with silcrete and mudstone the dominant raw material with minor quartz and quartzite. The majority of sites were located along drainage channels, and adjacent creek flats and low ridge lines. Witter (2002) resurveyed the area and completed a more detailed analysis. He revisited previously recorded sites and also identified an additional 18 sites, 31 isolated artefacts and 6 sets of grinding grooves. At three of the recorded sites (Waterhole, Oxbow and Glennies Creek sites) over 200 artefacts were identified. All three sites were located on high ground adjacent to a deep section of a permanent creek. There was also a close similarity in artefact type at the three sites. All three sites were noted as having a low component of micro-blade technology, and two sites also had associated grinding grooves.

Investigation that directly relates to the study area was carried out by Hardy (2001) and Witter (2002) when they surveyed an area between Bowman's Creek and Glennies Creek for White Mining Pty Ltd. This survey covered an area to the east of the study area although portions of the study area were covered at the time. Two sites were located within the study area. EWA80 contained two artefacts and EWA89 had only one.

A number of significant sites were located adjacent to the study area. These include the 'Oxbow Site', 'Waterhole Site', 'Brunker's Lane Site' and 'Asthon Homestead Site' (see figure 3). The Oxbow site was spread over an area measuring approximately 400m x 150m. Witter recorded over 200 artefacts at this site and suggested it may have been related to fish traps (Witter 2002:75). The Waterhole site contained 36 artefacts and a set of nine grinding grooves (Witter 2002:58). The Brunkers Lane site is located to the east of the study area and contains eleven artefacts.

Mitchell (2002) conducted a geomorphological study into Witter's survey area and this included a pit dug into a terrace within the Asthon Glennies Creek site. Of note, an artefact was exposed in the pit wall by rainwash. This artefact was 550mm below the ground surface within a buried soil profile (Mitchell 2002:22). Mitchell suggested this buried soil profile may be of an early Holocene or possibly a late Pleistocene age.

Sites dating to the Pleistocene are uncommon in the Hunter Valley and, as such, sites with any potential to provide dates of this age are deemed to be very significant.

In 2008 Insite Heritage conducted an archaeological survey along the route of a proposed pipeline corridor from Camberwell to the Liddell and Bayswater Powerstations (north west pipeline). The assessment ceased at the western boundary of Ashton Coal Operations.

Also in 2008 Insite Heritage obtained a Section 87 permit to allow monitoring by Wonnaruah LALC of a telecommunications trench that traversed the Bowmans Creek flat. No artefacts were found during excavation of the creek flat (S. Worth pers. com).

In December 2008 Insite Heritage surveyed the area of the proposed South East Open Cut for Ashton Coal. The Aboriginal archaeological assessment identified 85 archaeological sites (artefact scatters and isolated finds combined) within the study area. A number of identified sites were of low significance, comprising low density open artefact scatters or isolated finds, however sites located on the terrace and slopes above Glennies Creek are of high significance within a local and regional context (Besant et al 2009).

In 2008/9 Insite Heritage also provided an assessment for the Longwall 9 project for Ashton Coal. This study included the proposed western diversion of Bowmans Creek. The Aboriginal archaeological assessment identified seven (7) archaeological sites (artefact scatters and isolated finds) within the Longwall footprint. The identified sites were of low significance, comprising of low density open artefact scatters or isolated finds. However, the portion of the study area that consists of terrace flanking Bowman's Creek was identified as containing potential sub-surface deposits or PAD, and has been assessed as being potentially significant (Besant et al 2009a).

## 2.4 Site Types within the Hunter Region.

The archaeological record of the Hunter Valley has revealed a distinct site patterning for the region. Previous archaeological investigations have shown that archaeological sites are more prevalent in areas in close proximity to water sources with the number and density of archaeological sites increasing with the permanence of the water resource. Areas surrounding creek confluences have also been shown to be of importance in the region and potentially contain larger and more complex archaeological sites. River terraces have also been noted to have been favoured areas for Aboriginal encampments. The preference for occupation close to water resources may also lead to the re-deposition of artefacts in alluvial sediments and the exposure of subsurface archaeological material as a result of geomorphological processes. Whilst these areas can be favoured for larger camp sites, smaller artefact scatters may occur in all landscapes, resulting from movement between areas and the procuring of resources.

The work by Koettig on Glennies Creek demonstrates that sites may be located at depth, and in a relatively random distribution along the water course.

The following is a brief description of the site types that occur within the region:

**ARTEFACT SCATTERS:** In most archaeological assessments, an artefact scatter comprises more than one stone artefact within a particular context. Where only one artefact is found, and no potential archaeological deposit is identified, it is referred to as an isolated find.

An artefact scatter may consist of surface material only, which has been deflated by erosion, or it more typically involves a sub-surface deposit of varying depth. Other features may be present within artefact scatter sites, including hearths or stone-lined fireplaces, and heat treatment pits.

Artefact scatters may represent the evidence of:

Camp Sites - where everyday activities such as habitation, maintenance of stone or wooden tools, manufacturing of stone or wooden tools, management of raw materials, preparation and consumption of food and storage of tools has occurred;

Hunting or gathering events;

Other events - spatially separated from a camp site (eg. tool production or maintenance); or

Transitory movement through the landscape.

Isolated finds are single artefacts. They may be representative of simple, singular discards or may be all that is visible within a site, with other material either obscured from view or buried beneath the surface.

The detection of artefact scatters depends upon conditions of surface visibility and ground disturbance and post-depositional change through either sediment accumulation or surface erosion. Vegetation cover and deposition of sediments generally obscures artefact scatter sites and prevents their detection during surface surveys. High levels of ground disturbance can also obscure or remove evidence of a site.

**BURIALS:** Human remains tended to be placed in hollow trees, caves or sand deposits. Usually burials are only identified when eroding out of sand dunes or creek banks, or when disturbed by development. Aboriginal communities are strongly opposed to the disturbance of burial sites.

Burials have been located in the Hunter Valley at Muswellbrook (Carter *pers. com.* 2003) and Bolwarra (AHIMS Site No. 36-4-0061). However, the probability of detecting burials during fieldwork including excavation, is extremely low.

**GRINDING GROOVES:** Grinding grooves are formed in stone where ground edge tools or stone hatchets or axe 'blanks' have had their edges ground to a sharper edge. Suitable blanks are prepared by taking flakes off the edges of pebbles then grinding the edge smooth and sharp with a repeated, linear motion across the surface of the grind-stone. Sandstone is generally preferred, as the sand particles have excellent abrasive qualities, particularly when water is introduced onto the grindstone. Grinding grooves are located in Bowman's Creek (AHIMS Site No. 37-3-0006).

**SCARRED TREES:** Scarred trees contain scars caused by the removal of bark for use in manufacturing canoes, containers, shields or shelters. Mature trees, remnants of stands of the original vegetation, have the potential to contain scars.

#### 2.4.1 Site types within the study area

Recent studies that have included the current study area, have identified sub surface deposits with small surface expressions of artefacts, in areas of disturbance such as

un-surfaced vehicle tracks, burrows, cattle tracks etc. Artefact scatters have been record in the eastern part of the study area, particularly on the terraces above Bowman's Creek. It has been noted that the opportunity to locate surface expressions of artefact deposits is limited on the flood plain due to the density of grass cover in addition to the potential 50cm of flood deposits identified by Mitchell in the Witter (2002) study.

There is also a potential for previously unrecorded grinding grooves, to occur within Bowmans Creek. The Creek was densely vegetated at the time of the 2002 and 2008 surveys (and remains so) and the depth of water in the creek prevented a thorough investigation of the creek floor. It is noted however that the areas in which grinding grooves have been located on Bowmans Creek have been adjacent to elevated areas or ridgelines where the creek meanders against the foot slope of the ridge thus exposing rock outcrops. The proposed diversions are located on the flood plains and will cut alluvial soils.

There have been few modified trees recorded in the area probably owing to the mining and pastoral history of the area. No scarred trees have been recorded in the study area.

## **3.0 Archaeological Assessment**

### **3.1 Study Objective**

The aim of the study was to identify the impact of the proposal on Aboriginal sites including areas of potential archaeological deposit (PAD). As the area has been subject to previous surveys as recently as December 2008, the assessment is based upon existing data and no field work is required.

An important aspect of the study is to include Aboriginal stakeholders in the development of appropriate mitigation strategies should the project be approved. The report will outline the impact of the development and then that information will be disseminated amongst stakeholders and mitigation measures developed in conjunction with the stakeholders.

The Longwall 9 2009 assessment (fieldwork conducted December 2008 and reporting September 2009) includes the area of the proposed western diversion. The eastern diversion lies within the Witter (2002) assessment area which has also been the subject of a geomorphology assessment Mitchell (2002). The area of the eastern diversion also lies within the subsidence management plan (SMP) area which provides strategies for the archaeological management of sites within the underground operations area (Besant et al 2007, 2008). The SMP is subject to annual review and updating in consultation with the Aboriginal stakeholders.

### **3.2 Western Diversion**

#### *3.2.1 Longwall 9 Assessment 2008 /2009*

A survey was conducted on the 17<sup>th</sup> and 1<sup>st</sup> December 2008 and was carried out by Angela Besant, Elizabeth Wyatt and Christopher Carter (archaeologists, Insite Heritage Pty Ltd) and representatives from the Aboriginal stakeholder groups. Assessment of the proposed South East Open Cut occurred concurrently so stakeholders registered for that project also had the opportunity to inspect the proposed longwall location regardless of their registration status. Stakeholders participated in the Longwall 9 survey on the 17<sup>th</sup> December and the 18<sup>th</sup> December, 2008.

The survey of the study area was conducted on foot on the 17<sup>th</sup> and site inspections by vehicle on the 18<sup>th</sup> December 2008.

Figure 5 contains a map showing landscape unit boundaries, Table 3 outlines the survey details.

Sites located were recorded by their location, visible extent, landform and aspect. Site boundaries were defined arbitrarily; generally because of restrictions to surface visibility. Stone artefacts were recorded at a basic level including type, colour, raw material, basic dimensions and obvious diagnostic features (eg cortex, edge wear, backing etc).

The survey inspected 16.8ha. The total effective survey coverage (visible ground surface inspected taking into account archaeological visibility) was 2327m<sup>2</sup> or 0.7% of the study area.

Surface visibility was generally very low due to a dense grass cover. A few exposures were noted along the edge of the creek terrace. Stock trails and dams

provided limited exposures as did vehicular tracks. There were very few mature trees located within the study area. All trees of any size were inspected for evidence of scarring.

The total effective survey coverage of the study area was quite low (0.7% of study area). The lack of archaeological visibility due to the regular flood deposits of silt and soil meant that increased surface visibility over the floodplain may have not improved the chances of locating more sites.



**Plate 1 LWA 5**

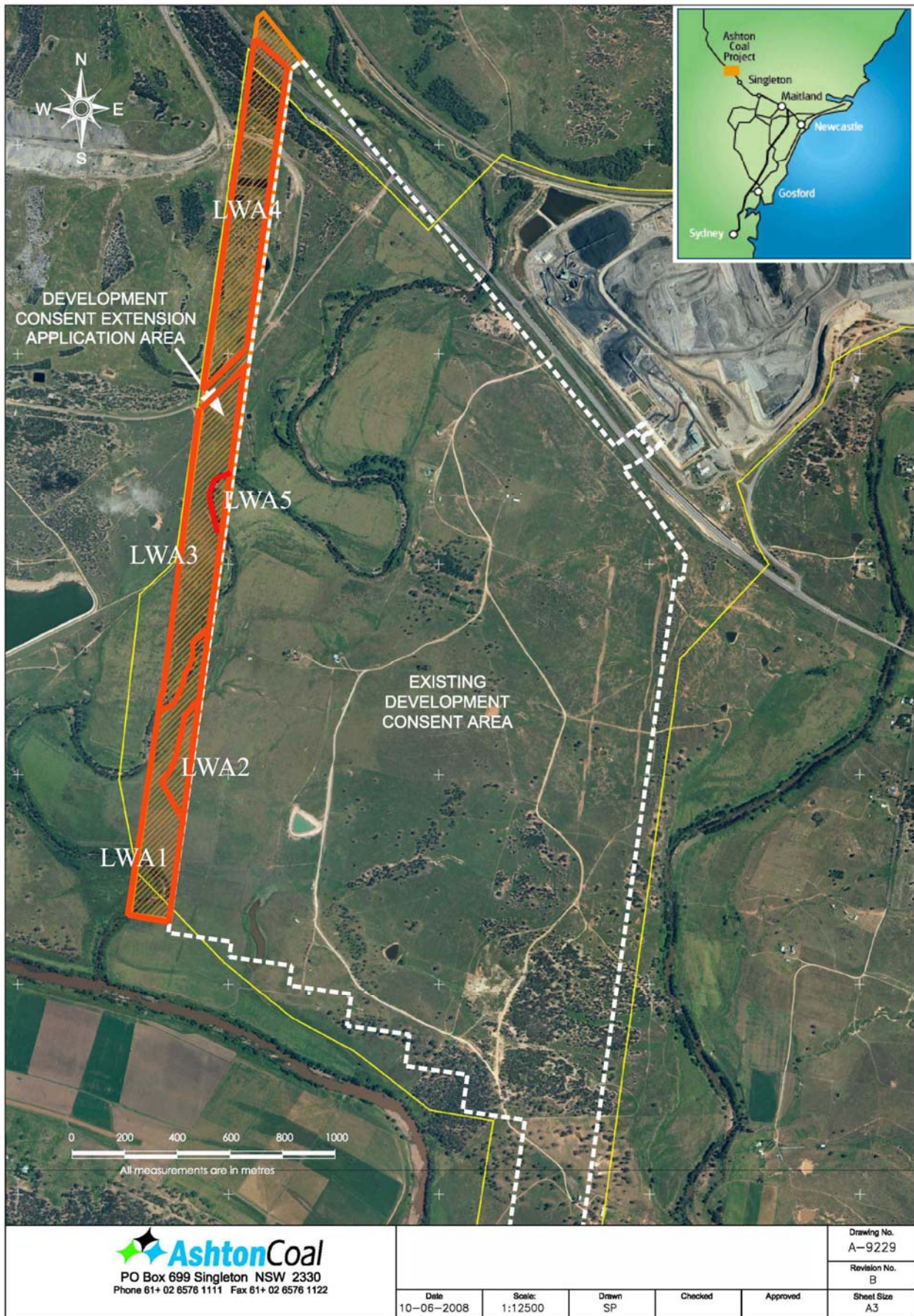


Figure 5 The longwall 9 study area.



**Table 3 Survey Details of the Longwall 9 Survey**

Survey Unit	Location	Landform	Approx Area	Surface Visibility (SV)	Arch. Visibility (AV)	Effec. Coverage m <sup>2</sup>	Sites	Notes
LWA1	At southern end of study area flanking bend in creek and floodplain to the north.	Floodplain creek bank	9.3ha	<1%	20%	96	0	Very dense grass cover. Limited exposure along vehicular tracks. Cut in creek bank indicate alluvial deposit over 4m deep.
LWA2	Eastern edge of study area cuts into terrace	Terrace	1.3ha	<1%	30%	39	1	Limited exposures on stock trail on edge of terrace above floodplain. Artefacts located.
LWA3	Mid-section of study area west of Bowman's Creek	Floodplain creek bank	12.1ha	<2%	30%	726	0	Very dense grass cover. Limited exposure along vehicular tracks. Woodland of casuarina and eucalypt along creek bank.
LWA4	West of Bowman's Creek toward Brunkers Lane	Ridge crest	11.5ha	<5%	60%	3540	6	Limited exposures in heavy grass cover with a few stands of casuarinas with high exposure underneath. Artefacts located along vehicular track at the base of slope / creek flats margin.
LWA5	Bowmans Creek margins	Creek bank	.9 ha	<1%	60%	54		Small areas of creek margin / bank exposed by sheet erosion and animal tracks.

Note: Surface visibility is the estimated percentage of surface exposed.

Archaeological visibility within the exposures above i.e. leaf litter over bare earth reduces archaeological visibility from 100% (100% being bare earth – in-situ surface, no silt, gravel or other obscuring factors)

## Longwall 9 Survey Results

The longwall 9 survey identified a total of 21 artefacts in seven locations, five of which are relevant to the Bowmans Creek diversion. Figure 6 details the location of each site within the study area whilst Table 4 below, outlines the site details. The five sites which are relevant to the Bowmans Creek diversion are LW4.2, LW4.3, LW4.4 and LW5.2.

**Table 4 Details of identified sites for the longwall 9 survey.**

Survey Unit	Site	Landform	Location GPS (UTM, datum WGS84)	Exposure (Approx. m)	Visibility	Description
LWA2	1	Terrace	E 56S 317450 N 6404979	60 X 5	100% SV 50% AV	Artefact scatter: Exposure on edge of terrace. . Low potential for sub-surface material. Artefacts: 1 chert, 1 FGS, 1 silcrete, 8 mudstone.
LWA4	1	Ridge crest	E 56S 317665 N 6406142	5 x 10	30% SV 60% AV	Isolated find: Exposure on edge of dam. Artefact: 1 mudstone
LWA4	2	Ridge crest	E 56S 317487 N 6405997	0.5 x 0.2	50% SV 60% AV	Isolated find: Exposure on edge of drill pad. This is probably previously recorded site EWA80 (Witter 2002) Artefact: 1 silcrete
LWA4	3	Ridge crest	E 56S 317431 N 6405609	2 x 1.5	50% SV 100% AV	Artefact scatter: Exposure along vehicular track. Artefacts: 4 mudstone, 1 silcrete
LWA4	4	Ridge crest	E 56S 317456 N 6405801	2 x1.5	50% SV 100% AV	Isolated find : Exposure along vehicular track. Artefacts: 1 mudstone
LWA5	1	Creek bank	E 56S 317548 N 6405739	1x .5	<20% SV 30% AV	Isolated find: Exposure along creek bank Artefacts: 1 silcrete
LWA5	2	Creek Bank	E 56S 317595 N 6405963	1x .75	<20% SV 30% AV	Isolated find: Exposure along creek bank Artefacts: 1 mudstone

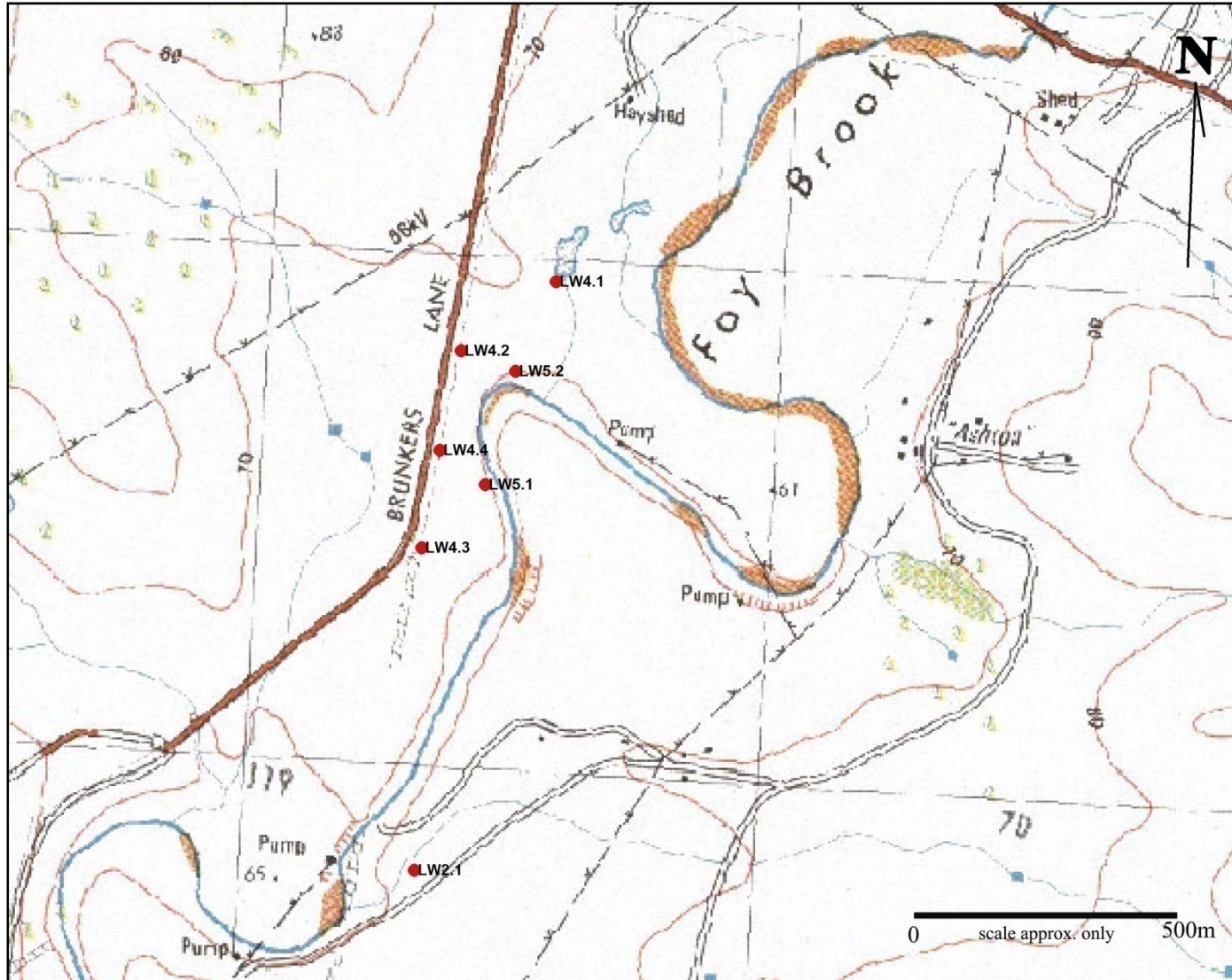


Figure 6 Location of identified sites in the Longwall 9 study area. Note Foy Brook is Bowmans Creek

### 3.3 Eastern Diversion

*Witter (2002) Archaeological Assessment*

The location of the eastern diversion is within the 2002 Witter assessment area and has been subject to ongoing monitoring and management under the 2007 & 2008 Subsidence Management Plan (SMP).

The location of the diversion was found to be heavily vegetated and the floodplain subject to post European (PE) deposits of up to 50cm thick (refer Section 3.4).

The Waterhole Site (EWA 28 & 19: NPWS site no. 37-3-0500) is considered a site of significance. The site is located north of the proposed eastern diversion. The site comprises a waterhole abutting a sandstone outcrop on Bowman's Creek. The site covers a 250x100m area with 256 artefacts, including 36 implements and three sets of grinding grooves (GG1, GG3, GG4) were identified, with visibility at 50%.

Although heavily disturbed, Witter identified a 50x50m area between exposed area EWA 28 and the grinding grooves expected to contain *in situ* deposits. It was considered that the site may be an extension of the Bridge site located on the east bank of Bowmans Creek on the northern side of the New England Highway.

More recent inspections of the site have found that the main area of the site – comprising 256 artefacts has been extensively eroded. Many of these artefacts have now been relocated from the primary erosion area – parallel to the boundary fence adjacent to the highway- and placed along the southern edge of the site. This work was carried out by Wonaruah LALC under a Section 87 permit that allowed the replacement of telecommunications fibre through the north east part of the site (Besant 2008).

### 3.4 Geomorphology Assessment - Bowmans Creek

Of particular relevance to the proposed diversions is the geomorphology assessment of the floodplains of Bowmans Creek conducted by Peter Mitchell, Groundtruth Consulting (2002). The assessment sought to identify any potential palaeo-landscapes amongst the creek terraces.

The study identified the changes to Bowmans Creek since the 1955 floods demonstrating the dynamic character of the creek. Meanders have been modified. Human intervention has also modified the creek morphology with the reinforcing of the creek bank in sections (Figure 7).

The study found that the floodplains of "Bowmans Creek have been cultivated and the soil is likely to be homogenized by ploughing to a depth of 25 to 30 cm. The flood plain has also been subject to extensive sedimentation and possible sheet erosion during the 1955 floods.

Figure 8 shows the distribution of post 1955 sediment along Bowmans Creek over the location of the proposed diversions. This sediment was estimated at about 45cm deep thus reducing the potential for the identification of Aboriginal sites within this layer.

This is consistent with the findings of the 2008 survey where artefacts were located on small spoil heaps associated with burrows, or depressed exposures.

Mitchell concluded that the fluvial changes identified along Bowmans Creek are likely to have impacted on Aboriginal sites other than fixed features such as grinding grooves. Many sites may have been destroyed by major changes in channel location, bed scour and earthmoving. Sites on the first and second terraces are likely to be buried by relatively recent sediment (Mitchell 2002:10).

A transect of backhoe pits was excavated across the floodplain to determine the character of the deposits and the development history of the terraces. Line 1 was located near the northern end of the proposed eastern diversion (see Figure 9). This line of test pits (four in total) extended from texture contrast soil on sandstone exposed in a road cutting on Brunkers Lane, across a terrace and Bowmans Creek to a sandstone hillslope. The section can be seen in Figure 10. The lower floodplain comprised unconsolidated gravels and sands subject to movement in floods. Basal gravels extend to a depth of 4 to 5 metres. A mantle of sediments up to 45cm thick covered the pre 1955 topsoils

Line two, whilst not in the location of the western diversion provides information which can be extrapolated over the diversion area (Figure 11). The stratigraphy of line 2 was similar to line 1. The modern channel and low flood plain is wider and its bed load gravels finer. Recent PE sediments were observed to a depth of 15cm and the bedrock hill slopes comprise texture contrast soil profile.

Pit 16 on the third terrace showed a dark brown texture contract profile over a gritty clay layer 90c thick. This terrace was considered to have potential for buried older surfaces.

In conclusion a small area labelled B in Figure 9 was identified as having potential for older buried land surface. The location of this area is not replicated within the area of the proposed diversions.



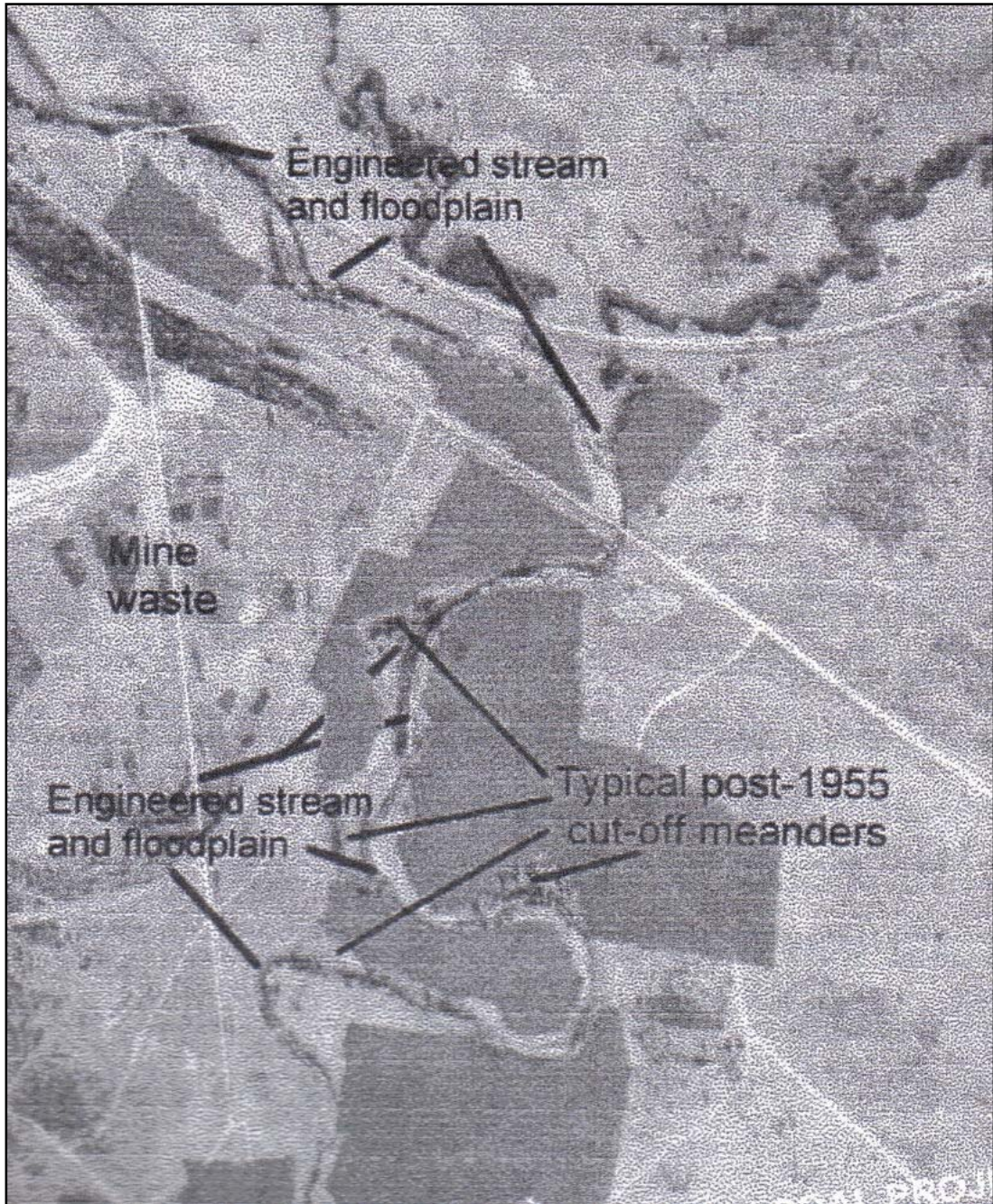
**Plate 2 Grinding Grooves at the Waterhole Site (courtesy ACOL)**



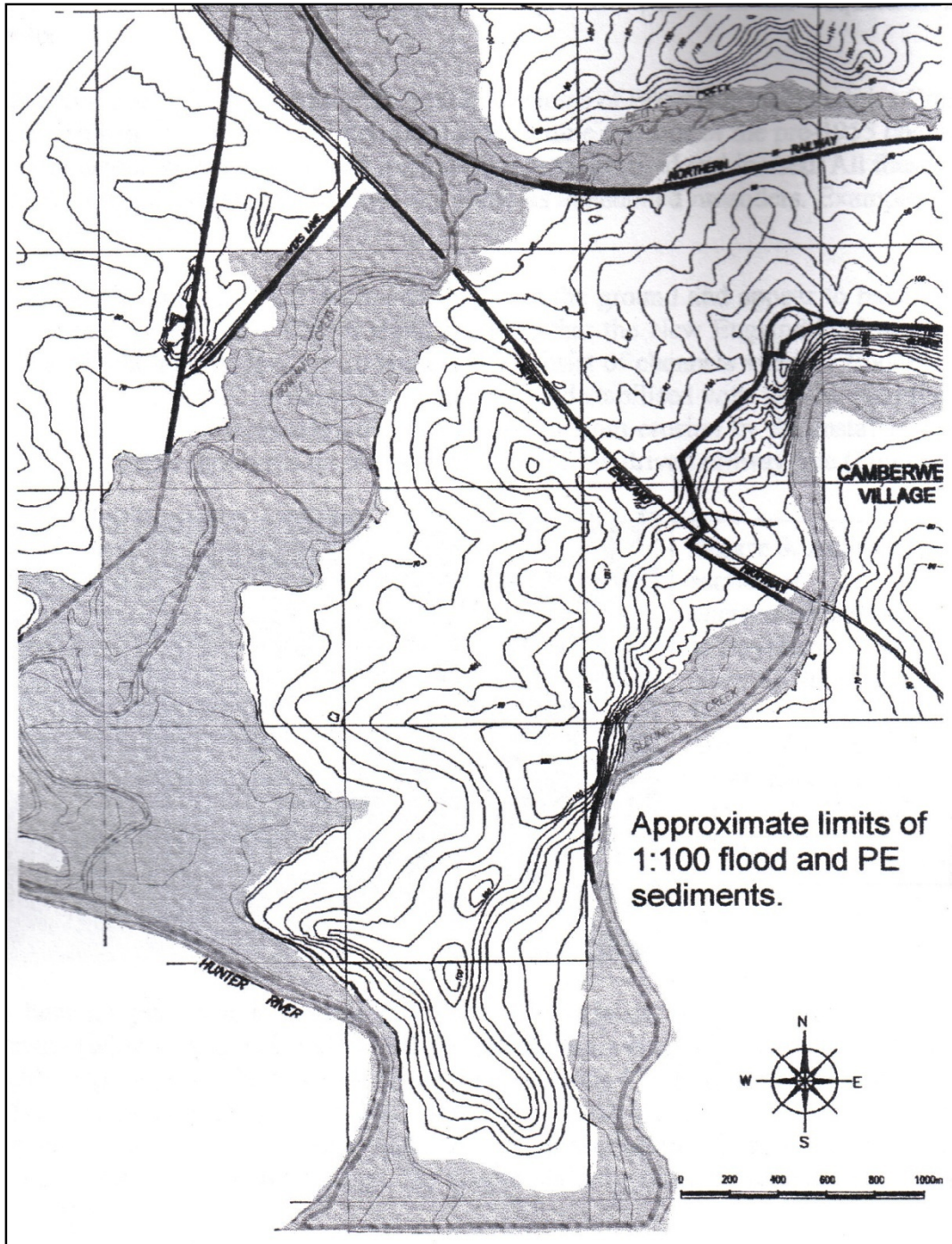
**Plate 3 View of the Waterhole Site, Facing North (courtesy ACOL)**



**Plate 4 View of the Waterhole Site, Facing West (courtesy ACOL)**



**Figure 7 Changes to Bowmans Creek and engineered sections post the 1955 floods (Mitchell 2002).**



**Figure 8 Distribution of recent (PE) sediments along Bowmans and Glennies Creeks (Mitchell 2002)**



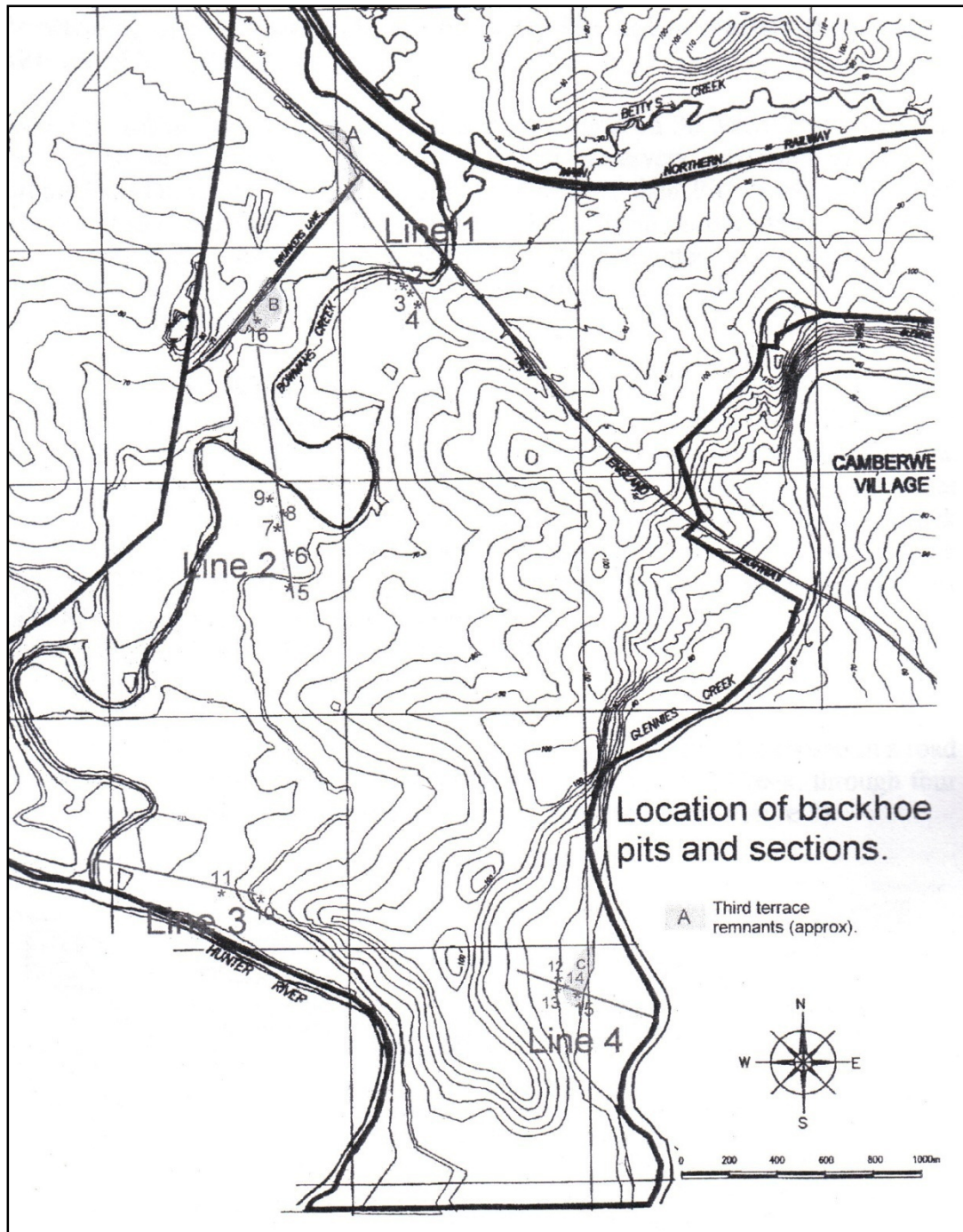


Figure 9 Line 1 and 2 show the backhoe pits relevant to the proposed diversions (Mitchell 2002).

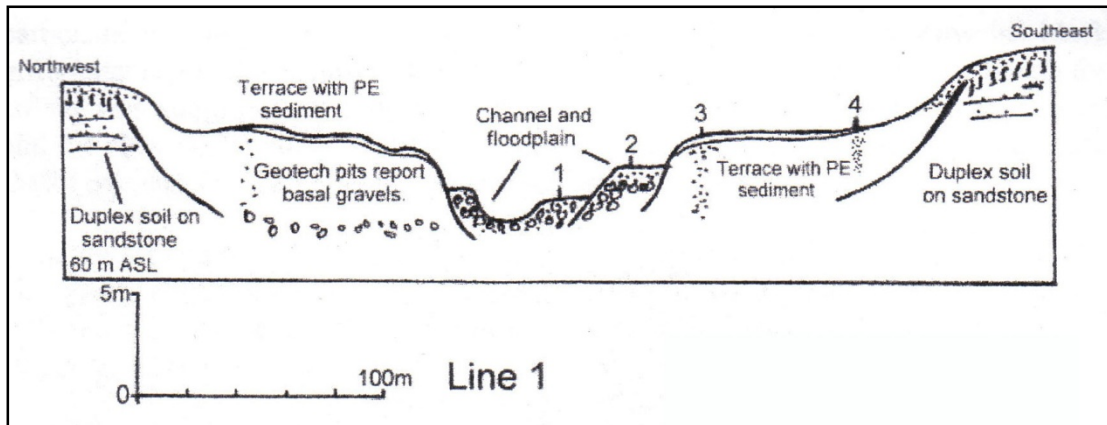


Figure 10 Cross section of Line 1 near the proposed eastern diversion (Mitchell 2002).

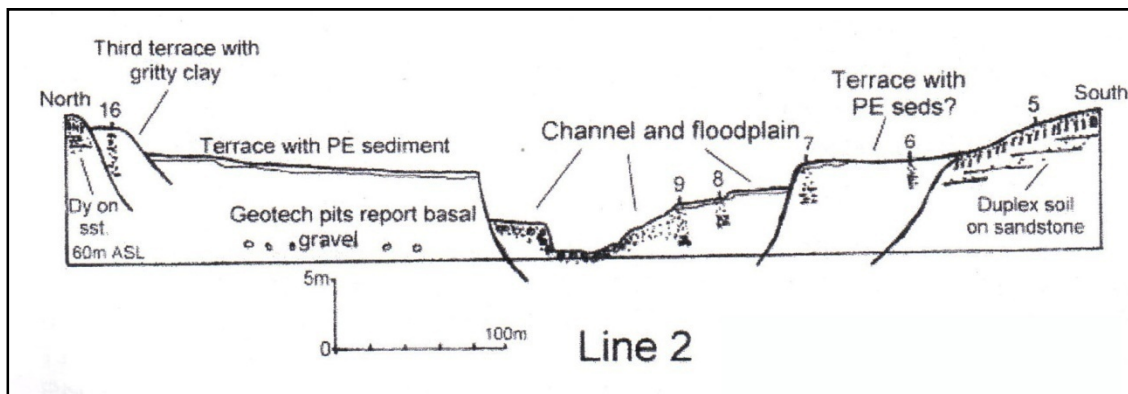


Figure 11 Line 2 to the north and north east of the proposed western diversion (Mitchell 2002).

## 3.5 Impact of proposed diversion on Aboriginal Heritage

### 3.5.1 Excavation of the diversion channels.

The excavation of the proposed diversion channels will impact upon Aboriginal heritage in the following manner:

1. Excavation in potential archaeological deposits as identified on the western terrace by Witter 2002 and Besant et al 2009. The potential deposits are the sub surface artefacts likely to be located on and within the western terrace of Bowmans Creek. This PAD identified is associated with the small scatters located at the Brunkers Lane site (Witter 2002) and the seven small lenses recorded during the 2009 Longwall 9 assessment (Besant et al, Insite Heritage 2009).
2. The excavation of the channels will not impact upon the recorded surface lenses referred to above (refer Figure 12).
3. The eastern diversion will not impact on the Waterhole site (refer Figure 13) however the excavation will be within approximately 20 metres of the Waterhole site.

### 3.5.2 Placement of alluvial soils from the excavation of the diversion channels.

The distribution of the soil excavated from the channels will occur on the creek terraces adjacent to the diversion channels. This activity has the potential to impact upon the recorded lenses of artefacts however the current distribution plan will not impact on these lenses.

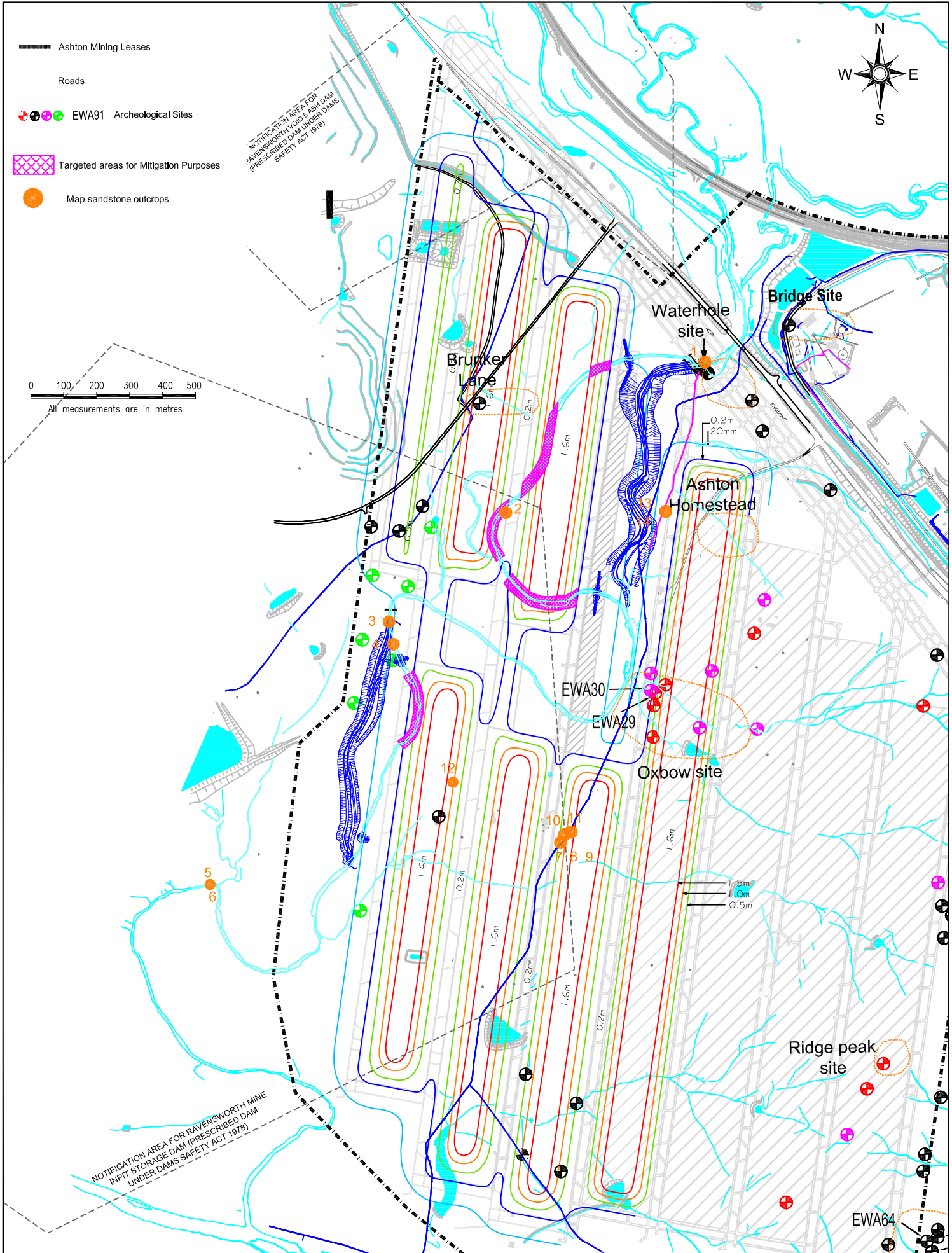
Subsurface deposits will however be covered by the fill although this impact is not expected to impact on the significance of the deposits unless stripping of the existing topsoil is required prior to filling.

### 3.5.3 Longwall associated subsidence

The approval of the Bowmans Creek diversions will allow mining to pass under sections of Bowmans Creek as per current approvals. ACOL are planning to mine four seams (Pikes Gully, Upper Liddell, Upper Lower Liddell & Lower Barrett Seams) in longwalls 5-8.

A multi seam subsidence assessment for longwalls 5-8 and the proposed diversion channel has been undertaken by SCT (2009). The maximum subsidence below Bowmans Creek is expected to be generally less than 0.4-0.5m after mining of all four seams. This presents a potential for minor cracking in sections of the creek that overlay the longwall margins (refer Figure 12, which details expected subsidence contours for the Pikes Gully Seam only). In the adjacent longwall panels, after completion of mining of the Lower Barrett seam, expected maximum subsidence is up to 8.3m. This will be incremental will involve significant cracks and steps over time. The excised area of the creek will also subside. At completion of mining, portions of the creek diversion will be elevated above parts of the adjacent flood plain which will require filling of subsidence troughs and reshaping of the landform to prevent pooling of surface water (SCT 2009:33).

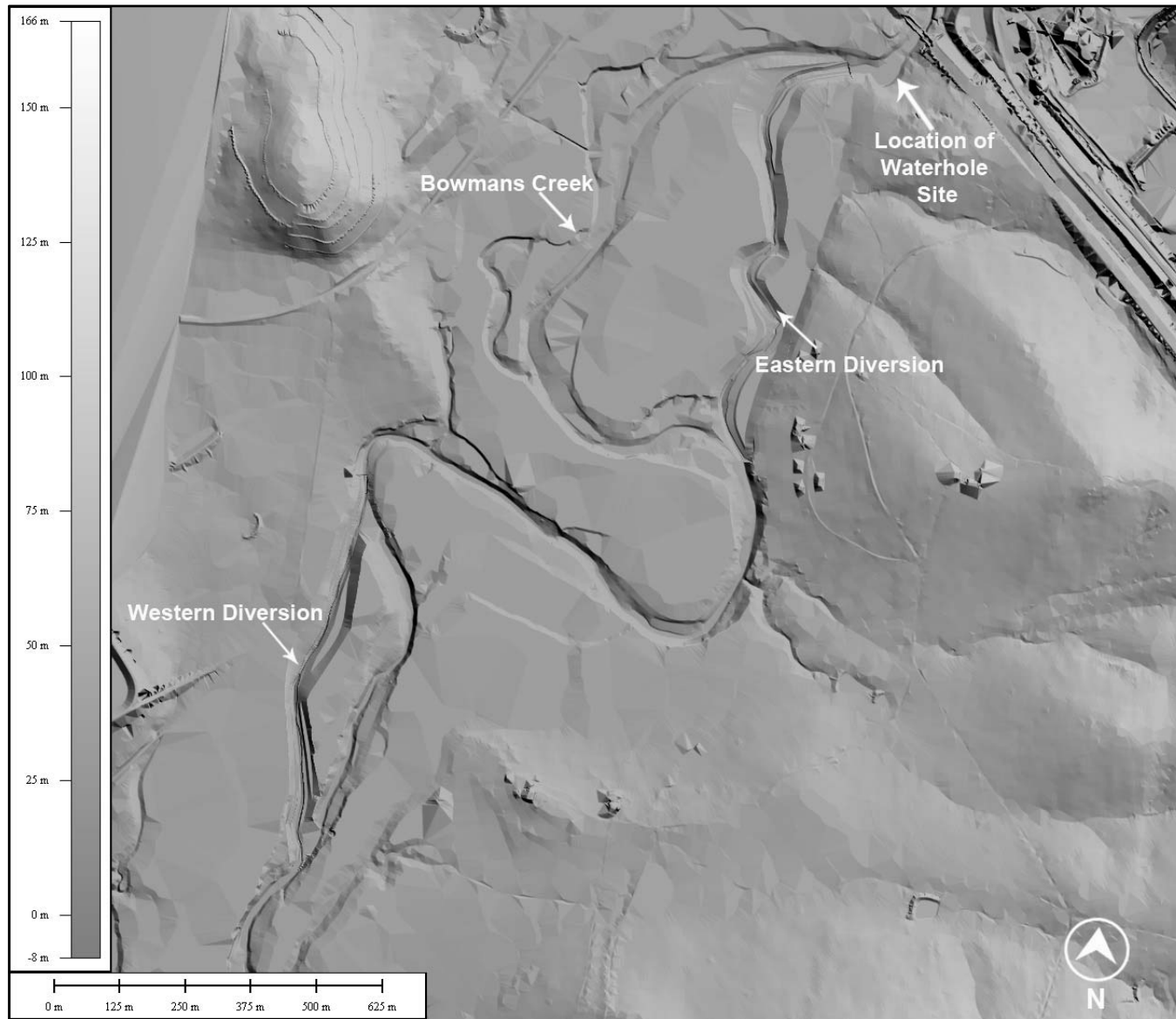
Management strategies and mitigation measures to address the project are discussed in Section 6.0 of this report.



### Bowmans Creek Diversion Project

*Figure 12*

Targeted Areas for Mitigation Purposes with Mapped Sandstone Outcrops



**Figure 13 Location of Waterhole Site in relation to diversion channels (image courtesy Mr C. Gippel - Fluvial Systems)**

## **4.0 Legislation**

### THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT (1979)

This project is being assessed by the Department of Planning under Part 3(A) of the EP&A Act 1979. This Act over rides other State legislation as the project is considered State significant. However, the intent of the NPW Act 1974 is respected in the assessment process. The Director Generals requirements for assessment under Part 3(A) also require consultation as per the Interim Consultation Guidelines developed by DECCW.

### THE NATIONAL PARKS AND WILDLIFE ACT 1974

Whilst this Act is not triggered under Part 3(A) of the EPA Act, it forms the basis on which DECCW provide their recommendations to the Department of Planning upon their review of the project. The NPW Act (section 90) provides statutory protection for all material evidence of Aboriginal occupation of NSW. Aboriginal places which are areas of cultural significance to the Aboriginal community, are also protected by the 1974 Act (section 84) that states:

The Minister may declare lands to be 'protected archaeological areas' to preserve Aboriginal places and relics; and

It is an offence to disturb or destroy an Aboriginal place or relic without first obtaining written consent from the Director of National Parks and Wildlife Service NSW.

A relic is defined as any deposit, object or material evidence (not being a handicraft made for sale) relating to indigenous and non-European habitation of the area that comprises NSW, being habitation both prior to and concurrent with the occupation of that area by persons of European extraction, and includes Aboriginal remains (NPW A s.5(1)).

## **5.0 Significance of Identified Sites**

### **5.1 Significance Criteria**

The basic processes of assessing significance for items of heritage are outlined by *The Australian ICOMOS Charter for the Conservation of Places of Cultural Significance: the Burra Charter* (amended 1999) and its associated *Guidelines*. Sites may be significant according to several criteria, including scientific or archaeological significance, significance to Aboriginal people, aesthetic value, the degree to which a site is representative of archaeological and/or cultural type, and value as an educational resource. In New South Wales the nature of significance relates to historic, aesthetic, social, scientific, cultural or educational criteria and sites are also assessed on the degree to which they exhibit rare or representative characteristics of their type, or whether they exhibit historic or cultural connections.

#### *Scientific Significance*

In order to determine scientific significance it is necessary to first place sites within a local and regional context. This process enables the assessment of any individual site in terms of merit against other sites of similar nature within similar contexts.

#### *Public Significance*

The sites are assessed in terms of their educational value, to enhance community knowledge and appreciation of cultural heritage.

#### *Cultural Significance*

Generally, all sites are of significance to the Aboriginal people. It has been recognised however that with the widespread nature of site distribution, sites will eventually be impacted upon by development. It is however necessary to conserve where possible sites which are of high significance to the community.

#### *Representative Significance*

Site significance is rated low, medium and high. The significance of individual sites is determined by factors such as representativeness, rarity, and the sites potential to add scientific data to what is known about past human occupation of the Australian continent. Conservation outcomes are determined by comparison of a site's qualities with known sites in the region that have been protected.

## **5.2 Statement of Significance**

The project will impact upon a small portion of the potential archaeological deposits of parts of the Bowmans Creek floodplain. The floodplain has been assessed to have the potential for deposits buried by recent alluvial flood deposits. Any archaeological deposits within the terraces are likely to have been reworked by flood events and channel migration. Gemorphological assessment has shown that the terraces are Holocene in age and there is no potential for Pleistocene deposits within the proposed work area.

The potential archaeological deposits within the alluvial terraces of Bowmans Creek within the study area are considered to be of moderate scientific significance.

All sites within the Bowmans Glennies Creek area are of cultural significance to the Aboriginal community.

The Waterhole Site (37-4-0500) will not be impacted by this proposal however is located north of the proposed eastern diversion. This site is rated as high significance a rating reinforced by Aboriginal stakeholders in the course of consultation undertaken for the SMP.



## **6.0 Discussion and Management Recommendations**

This report addresses the impact of the diversion channels only. The channels will impact upon the creek margins where the diversion intersects the existing channel. The impacts upon the potential archaeological resource on the floodplains of Bowmans Creek will be excavation of the diversion channel.

The following management recommendations are made to provide appropriate management strategies should the project be approved.

- i) Mitigation measures will include a salvage program of terrace deposits confined to the area to be impacted.
- ii) The methodology for the salvage will be developed in consultation with the stakeholders.
- iii) Continued consultation with the community regarding actual impact in comparison to modelled impact.
- iv) It is suggested that mitigation methodologies include inspection of the creek bed for grinding grooves once the creek has become more accessible.
- v) An analysis methodology for material retrieved and determination of the ultimate location for the storage of artefacts to be determined by the community.

Strategies to manage any inadvertent impact upon the known sites adjacent to the works area, particularly the Waterhole Site will be drawn from best practice as outlined in the Burra Charter (Australian ICOMOS charter for places of cultural significance), the NSW Heritage Manual 1998 (DUAP and NSW Heritage Office) and the NPWS Aboriginal Heritage Assessment Guidelines 1997.

Methodologies that may be employed to ensure that no inadvertent impacts occur at the Waterhole Site where earthworks are in close proximity to grinding grooves etc will include:

Clear fencing of the site to form a boundary between contractors and the outer perimeter of the site.

Inclusion of a work method statement (WMS) that outlines the responsibilities of contractors in order to ensure that the site is not impacted and which outlines the repercussions of not adhering to the WMS (ie. Fines etc administered by DECCW).

Inclusion of a cultural awareness component in the general induction of contractors working on the project.

## **7.0 Glossary**

**Angular Fragment:** Flaking debris that lacks diagnostic features. Also referred to as a flaked piece (Holdaway & Stern 2004:113).

**Artefact:** Any object, usually portable, that has been made or shaped by human hand (Mulvaney & Kamminga 1999:425).

**Assemblage:** A set of artefacts found in close association with each other (Flood 1989: 281).

**Backed:** Unidirectional or bi-directional retouch located on one lateral margin of a tool (Holdaway & Stern 2004:159).

**Backed Blade:** A blade with one margin deliberately blunted to form a penknife-like back (Flood 1989:281).

**Basalt:** Volcanic igneous rock dark in colour (black – dark grey). Fine grained containing 45-55% silica, iron and magnesium. (Holdaway & Stern 2004:22).

**Bioturbation:** Reworking of sediments through the action of ground dwelling life forms such as ants, termites, and earthworms (Mulvaney & Kamminga 1999:425).

**Blade:** A parallel sided flake, twice as long as it is wide (Flood 1989:282).

**Broken Flake:** A flake fragment which displays only part of the diagnostic features of a complete flake. Broken flakes are classed as either proximal flakes, medial flakes, lateral and distal flakes depending on their visible attributes (Holdaway & Stern 2004:111).

**Chert:** A fine grained crystalline aggregate of silica (Flood 1989:82).

**Clay:** Sediment that contains particles less than 4 µm in size (Kearey 2001:49).

**Coal:** Combustible sedimentary rock, greater than 50% carbonaceous material (Kearney 2001:51).

**Colluvial:** Transported by non fluvial processes (Kearey 2001:53).

**Conglomerate:** Sedimentary rock containing rounded clasts greater than 2 mm in size (Kearey 2001:56).

**Core:** A piece of stone, often a cobble or pebble but also quarried stone, from which flakes have been struck for toolmaking (Mulvaney & Kamminga 1999:426).

**Core Tool:** A core bearing trimming or use wear indicating its use as an implement (Flood 1989:282).

**Cortex:** Outer weathered surface of a rock or mineral (Holdaway & Stern 2004:144).

**Debitage:** The waste product from tool manufacture (Holdaway & Stern 2004:154).

**Distal Flake:** Flakes which have a termination but do not show a platform or evidence of an impact point (Holdaway & Stern 2004:111).

Dorsal Surface: Retains part of the original surface of the core or scars from earlier flake removals (Holdaway & Stern 2004:143).

Erosion: Process where particles are detached from rock or soil and transported away principally via water, wind, ice and air (Kearey 2001:88).

Flake: A piece of stone detached by striking a core with another stone (Flood 1989:283).

Flake piece/s: Refer to angular fragment.

Geometric Microlith: A microlith of triangular, trapezoidal or other geometric shape, with an abruptly trimmed thick margin (Flood 1989: 283).

Geomorphology: The description and interpretations of landforms (Mulvaney & Kamminga 1999:426).

Hearth: The site of a campfire (Flood 1989:284).

Heat Treatment: Also referred to as heat shatter. The natural or human induced process of heating raw materials to change their properties prior to tool manufacture. Observable changes include alterations in colour, lustre and crystalline structure (Holdaway & Stern 2004:29).

Loam: A soil which contains approximately equal proportions of sand, silt and clay (Kearey 2001:156).

Medial flake: Flake or flake fragment with an identifiable ventral surface but lacking proximal and distal margins (Holdaway & Stern 2004:111).

Microlith: A variety of small, less than 30mm in size, retouched implements of various shapes (Mulvaney & Kamminga 1999: 427, Flood 1989:285).

Microblade Cores: Provide the blanks for the small –tool tradition – Bondi points and geometric microliths. Less than 100mm in maximum dimension. Flake scars are parallel and elongate and long relative to core size (Holdaway & Stern 2004:204).

Midden: Aboriginal occupation site consisting chiefly of shells with minor components of other refuse such as ash, stone artifacts and animal bones (Mulvaney & Kamminga 1999:427).

Mudstone: Used to refer to the fine to very fine grained sedimentary rocks of siltstones and mudstones (Holdaway & Stern 2004:20).

Open Campsite: A surface of stone and other artefacts exposed on the ground surface (Flood 1989:285).

Permian: Geological time period from 290 – 245 Ma (Kearey 2001:200).

Platform: The area on a stone core on which a blow is struck to detach a flake. The detached flake bears on its butt end the original striking platform (Flood 1989: 287).

Podzolic: Acid soils with strong texture contrast between sandy or loamy topsoils and clay subsoils (Matthei 1995:319).

Porcellanite: A rock formed by the thermal metamorphism of a soil horizon in basalt (Kearey 2001:208).

Proximal flake: broken flakes that do not have a termination but exhibit features from where the flake was struck from the core such as a platform, bulb of percussion, impact point (Holdaway & Stern 2004:110).

Quartz: Common mineral with naturally sharp edges and poor fracturing properties. Colour ranging from clear, to milky white and pink (Flood 1989:286).

Quartzite: Homogenous medium to coarse grained metamorphosed sandstone (Flood 1989:286).

Retouch: To shape, sharpen or blunt a stone tool by flaking (Mulvaney & Kamminga 1999:428).

Retouched flake: Flakes removed during retouching of a tool (Holdaway & Stern 2004:173).

Sandstone: A sedimentary rock comprised of greater than 25% clasts of sand grains 0.625-2mm in diameters (Kearey 2001:234).

Scarred tree: Trees which have had portions of their barked removed (Mulvaney & Kamminga 1999:32).

Scraper: A flake with one or more margins displaying retouch along the entire margin (Holdaway & Stern 2004:227).

Shale: A sedimentary rock with particles less than 4µm in diameter (Kearey 2001:242).

Silcrete: A sedimentary rock comprising of quartz grains in a matrix of fine grained – amorphous silica (Holdaway & Stern 2004:24).

Soloth (or Solodic): Acid soils with strong texture contrast between pale topsoil and clay subsoil with coarse blocky or columnar structure (Matthei 1995:319).

Stratigraphy: The study of natural and cultural sedimentary strata (Mulvaney & Kamminga 1999: 428).

Symmetrical backed artefact: see geometric microlith.

Thumbnail Scraper: A small flake with a convex scraper edge opposite the platform of the flake and with a shape similar to a thumbnail (Holdaway & Stern 2004:234).

Tuff: Fine grained stone formed after a cloud of ash ejected by volcanic event descends to form a thin layer over the ground surface. After burial some tuff beds become indurated through a metamorphic process in which the stone hardens and recrystallises to a less friable structure.

Use-wear: Alteration of an artefact caused by its use (Holdaway & Stern 2004:41).

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## ***Appendix A – Community Consultation Advertisement***





PUBLIC NOTICES
Phone: 13 25 35

AMP intends after 10 days to either issue special policy in place of or satisfy claims or requests that would result in the termination of the following Policies: declared 'LOST' or DESTROYED. H0561621-R John B. Vavse Limited ABN 84079300379

MBF LIFE LIMITED intends to issue 10 days after the date of this notice. Special Policies in replacement of policy numbers:

Table with columns: NAME, POLICY NUMBER, Estate of the late DR Boyd, Estate of the late M J Cormie-McDonald, Estate of the late D J Martin, R B Burton

Nio Win A Grand Final Escape for 2 competition. Congratulations to our winners: NRL prize - Kellie Williams (Mullumbimby), AFL prize - Brad Edwards (Eringstone).

NORWICH Union Life Australia Limited intends after ten days of this notice to issue a replacement policy in substitution of Aviva policy number 7213655 Policy Owners Mr J Collingwood-Smith declared to be lost.

SCEGGS Darlinghurst Festival on Forbes Raffle. Prizes drawn 30th August 2009. 1st prize: Chris Mills, Runners up prizes: Melissa Guest, Lisa Ho, Jane Rutherford, Emily Booker, Jennifer Fowler.

ZURICH Financial Services Aust Ltd intends after 10 days to issue a special plan document to notice. Plan Number 08433519 in the name of JUNE BYRNES.

LEGAL NOTICES

In the Supreme Court of New South Wales

NOTICE of Intended Distribution of Estate. Any person having any claim upon the Estate of BRIAN ROBERT STONE, late of Argusdale Vale in the State of New South Wales, Financial Advisor, deceased, who died on 11 June 2009, must send particulars of his or her claim to Richard Montgomery Stone and Steven Brian Stone, Executors appointed under the will, at care of CLARENCE ESTATE PLANNING LAWYERS, a business unit of PricewaterhouseCoopers, 201 Sussex Street, Sydney NSW 2000. Telephone: (02) 8256 9517. Facsimile: (02) 8256 9517. Reference: STONE 13139263. Email: wladimir.gaszk@au.pwc.com. Within one (1) calendar month from publication of this notice, After that time the Executors may distribute the assets of the Estate having regard to the claims of which at the time of distribution they have notice. Probate No. 13896/09 was granted by the Supreme Court of New South Wales on 2 September 2009. CLARENCE ESTATE PLANNING Lawyers Solicitors for the Executor.

NOTICE of Intended Distribution of Estate. Any person having any claim upon the Estate of HENRY ROSEY COHEN late of Mount Colah, NSW, who died 7 July 2009, must send particulars of the claim to the Executor, Denise Ann Cohen, care of ROBERT NAPOLI & CO Solicitors, The Mission Station 24, First Floor, 23-25 Hunter Street, Hornsby NSW 2077. Dlx 9657 Hornsby, ref: LN/EMC/291135 within one calendar month from publication of this notice. After that time the assets of the Estate may be conveyed and distributed having regard only to the claims of which at the time of conveyance or distribution the Executor has notice. Probate was granted in New South Wales on 3 September, 2009.

NOTICE of Intended Distribution of Estate. Any person having any claim upon the Estate of RAN (Relined) OAM, 04.01.1927 - 08.09.2009, late husband of Peg (ceased) and Maggie (ceased), and loving, devoted and loving, active and friends of BRUCE warmly invited to attend funeral service, to be held the Northern Suburbs Memorial South Chapel, on Friday (September 14, 2009), 2 p.m.

LEGAL NOTICES

In the Supreme Court of New South Wales

NOTICE of Intended Distribution of Estate. Any person having any claim upon the Estate of BRIAN ROBERT STONE, late of Argusdale Vale in the State of New South Wales, Financial Advisor, deceased, who died on 11 June 2009, must send particulars of his or her claim to Richard Montgomery Stone and Steven Brian Stone, Executors appointed under the will, at care of CLARENCE ESTATE PLANNING LAWYERS, a business unit of PricewaterhouseCoopers, 201 Sussex Street, Sydney NSW 2000. Telephone: (02) 8256 9517. Facsimile: (02) 8256 9517. Reference: STONE 13139263. Email: wladimir.gaszk@au.pwc.com. Within one (1) calendar month from publication of this notice, After that time the Executors may distribute the assets of the Estate having regard to the claims of which at the time of distribution they have notice. Probate No. 13896/09 was granted by the Supreme Court of New South Wales on 2 September 2009. CLARENCE ESTATE PLANNING Lawyers Solicitors for the Executor.

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LEGAL NOTICES

In the Supreme Court of New South Wales

NOTICE of Intended Distribution of Estate. Any person having any claim upon the Estate of ANTONIO NIGRO, late of Abbotsford who died on 28 May 2009, must send particulars of the claim to the Executor Giovanna Nigro C/- MESSRS P. PREVITE & ASSOCIATES, SOLICITORS, 163 Great North Road, Five Dock in the said State within one month from publication of this notice. After that time the assets of the Estate may be conveyed and distributed having regard only to the claims of which at the time of distribution the Executor has notice. Probate was granted in New South Wales on 3 September 2009.

LEGAL NOTICES

In the Supreme Court of New South Wales

NOTICE OF INTENDED DISTRIBUTION OF ESTATE. Any person having any claim upon the Estate of NADEIDA SERGEVNA BONDARENKO late of North Sydney, NSW, widow, who died on 3 October 2008 must send particulars of their claim to the Executor, Michael Michaelovich Yastrebinski, care of COLIN BODDERS & PAISLEY, Solicitors, Level 42, 2 Park St, Sydney NSW 2000, ref: ST/82737 within one calendar month from publication of this notice. After that time the assets of the Estate may be conveyed and distributed having regard only to the claims of which at the time of conveyance or distribution the Executor has notice. Probate was granted in New South Wales on 18 January 2009.

LEGAL NOTICES

In the Supreme Court of New South Wales

NOTICE of Intended Distribution of Estate. Any person having any claim upon the Estate of the late ALLAN JAMES PRESTON, late of Roseville deceased, who died on the 9th June 2009, must send particulars of their claim to the Executor, James George BROWN, a Solicitor, of 100 Pitt Street, Sydney NSW 2000.

LEGAL NOTICES

In the Supreme Court of New South Wales

NOTICE of Intended Distribution of Estate. Any person having any claim upon the Estate of the late ALAN JAMES PRESTON, late of Roseville deceased, who died on the 9th June 2009, must send particulars of their claim to the Executor, James George BROWN, a Solicitor, of 100 Pitt Street, Sydney NSW 2000.

Announcements, Marriages, Deaths

Death notices

Paradise A W Smith E E Smith J R Varcoe G L Walsh R J Warren A S Webster J I L Williams K A Wishart D

Funerals

MOTTEE, Patricia Mary - 1st C J or L. Matteo P M Orac N B D Haffy B yer A W. VARGOE, Graeme Laurence. - Treasured husband of Barbara Aileen (father of Chris, Catherine and Rebecca) Grandpa to Hayden and Stephanie. Monique and Alex. Brother to Joan and Lesley and uncle to their families.

Funerals

Gregory & Carr SYDNEY + 1300 FUNERAL. WALSH, Rodney James - Beloved son of Eileen Mary and Reginald Woodrow (deceased). Brother of Reginald John. Much loved by his many nieces and nephews. Dearly loved and sadly missed.

Funerals

WARREN, Adele Susanne - Loving wife of Les (deceased), loving mother of Brad, Susanne, Michael and Vale, mother-in-law of Mavee, loving grandma and great-grandma to 11 and friends to everyone. 21 in mind and 86 in body. Family and friends of ADELE are warmly invited to attend her funeral service, to be held at Northern Suburbs Crematorium, Deira Road, North Ryde, on Tuesday (September 15, 2009), commencing at 10.30 am at the East Chapel.

Funerals

WHITE LADY FUNERALS Mosman 9968 1099 An Australian Company. WEBSTER, June Isobel Louise - Passed away peacefully on September 7, 2009. Dearly beloved wife of Derrick for 59 wonderful years and loving mum to David, John, Sally and their families. She was much loved by her grandchildren and great grandchildren and many dear friends and relatives. June will be sadly missed.

Funerals

ALLEN MATTHEWS FUNERALS 17th Ryde 9887 2244 An Australian Company Member AFDA. HAFFY, Becky - Just a little Becky gone soon. For just 2 years and 6 months we had a delightful you and your beautiful smile. Love and Owe our hearts with you. Our love, thoughts, prayers, Susanne, Michael, X and Julie Burgess, Karen, Tana, Roma and Laurie, and Lynette Reid.

Funerals

IVER, Alan William - Born 07.01.1930 at Tempe, Sydney. Passed away 08.09.2009 at Prince Alfred Hospital, Sydney. Beloved son of Alice May and Francis Oliver (deceased). Brother of Kelly Patrick Oliver (deceased), Monica, Joan, Norman, Frances, Peter, Mitch, David, honoured and respected by all his kinsman members of the Oliver, Stanton Beer extended families. An appreciated member of Australian Union movement. A life of inspiration, education, understanding and of the principles of solidarity activism, helped pave the way for the current members of the Maritime Union of Australia, tackle the future challenges, though retired but still active the last decade, his presence be sorely missed.

Funerals

ALAN WILLIAM OLIVER advised his funeral service take place at the South end of the Eastern Suburbs Memorial Park Crematorium, Starry Road, Matraville, on Friday (September 14, 2009) commencing at 2.15 p.m.

Funerals

Gregory & Carr SYDNEY + 1300 FUNERAL. WARREN, Adele Susanne - Loving wife of Les (deceased), loving mother of Brad, Susanne, Michael and Vale, mother-in-law of Mavee, loving grandma and great-grandma to 11 and friends to everyone. 21 in mind and 86 in body. Family and friends of ADELE are warmly invited to attend her funeral service, to be held at Northern Suburbs Crematorium, Deira Road, North Ryde, on Tuesday (September 15, 2009), commencing at 10.30am, Monday 14 September.

Vertical text on the right side of the page, likely a list of names or a contact column.

BIRTHS FREE GIFT FOR MUM Treasure your baby's birth story. When you place your birth notice with The Sydney Morning Herald you will receive a complimentary copy of your baby's 'birth notice', mounted in our beautiful baby memento card as a keepsake. Let us help you announce the good news to friends and family. Call: 13 25 35 today

Your Special Announcement! It's a Girl! Announce your good news with a SPECIAL 1500 in The Sydney Morning Herald. Call 13 25 35

BURIAL PLOTS

PINEGROVE MEMORIAL Park Plots for Funeral Certificates x 2. Avail only to persons 65+ yrs. Will sell sep or colour. Details call 9749 4226

LEGAL NOTICES

In the Supreme Court of New South Wales, Equity Division

NOTICE of Intended Distribution of Estate. Any person having any claim upon the Estate of ANTONIO NIGRO, late of Abbotsford who died on 28 May 2009, must send particulars of the claim to the Executor Giovanna Nigro C/- MESSRS P. PREVITE & ASSOCIATES, SOLICITORS, 163 Great North Road, Five Dock in the said State within one month from publication of this notice. After that time the assets of the Estate may be conveyed and distributed having regard only to the claims of which at the time of distribution the Executor has notice. Probate was granted in New South Wales on 3 September 2009.

LEGAL NOTICES

In the Supreme Court of New South Wales

NOTICE OF INTENDED DISTRIBUTION OF ESTATE. Any person having any claim upon the Estate of NADEIDA SERGEVNA BONDARENKO late of North Sydney, NSW, widow, who died on 3 October 2008 must send particulars of their claim to the Executor, Michael Michaelovich Yastrebinski, care of COLIN BODDERS & PAISLEY, Solicitors, Level 42, 2 Park St, Sydney NSW 2000, ref: ST/82737 within one calendar month from publication of this notice. After that time the assets of the Estate may be conveyed and distributed having regard only to the claims of which at the time of conveyance or distribution the Executor has notice. Probate was granted in New South Wales on 18 January 2009.

LEGAL NOTICES

In the Supreme Court of New South Wales

NOTICE of Intended Distribution of Estate. Any person having any claim upon the Estate of the late ALLAN JAMES PRESTON, late of Roseville deceased, who died on the 9th June 2009, must send particulars of their claim to the Executor, James George BROWN, a Solicitor, of 100 Pitt Street, Sydney NSW 2000.

## Appendix B – Community Stakeholder Register

Bowmans Creek Aboriginal Stakeholder Register					
NAME	ADDRESS	PHONE	FAX	EMAIL	DATE RECEIVED
Wonnarua Culture Heritage	19 O'Donnell Crescent Metford NSW 2323	(02) 4933 2067 0401 028 807	(02) 4933 2067	-	28/08/2009
Yinarr Cultural Service	7 Cypress Place Muswellbrook NSW 2333	(02) 6541 0761 0432 720 623	(02) 6541 0760	<a href="mailto:yinarrculturalservices@bigpond.com">yinarrculturalservices@bigpond.com</a>	29/08/2009
Yinarr Cultural Service	7 Cypress Place Muswellbrook NSW 2333	(02) 6541 0761 0432 720 623	(02) 6541 0760	<a href="mailto:yinarrculturalservices@bigpond.com">yinarrculturalservices@bigpond.com</a>	30/08/2009
Wonn 1 Contracting	619 Main Road Glendale NSW 2285	(02) 4954 7751 0402 146 193			1/09/2009 - Phone
Hunter Valley Cultural Surveying Luke Hickey	2/8 Midanga Ave Muswellbrook NSW 2333	(02) 6541 0525 0402 446 223	(02) 6541 0525		1/09/2009
Wannaruah LALC	PO Box 127 Muswellbrook NSW 23333	(02)65431288	(02) 65425377	<a href="mailto:wannarua@bigpond.net.au">wannarua@bigpond.net.au</a>	2/09/2009
Yarrowalk Enterprises Barry McTaggart	913 Wollombi Road Broke NSW 2330	(02) 6579 1185 0419 220 297	(02) 6579 1485	<a href="mailto:abco@bordnet.com.au">abco@bordnet.com.au</a>	28/08/2009
Hunter Valley Cultural Consultants	40 Humphries Street Muswellbrook	(02) 6541 2265 0438 390 882		-	7/09/2009

	NSW 2333				
Upper Hunter Heritage Consultants	14 Edinglassie Drive Muswellbrook NSW 2333	(02) 6541 3533 0422 910 893		-	7/09/2009
Yarrawalk Enterprises Barry McTaggart	913 Wollombi Road Broke NSW 2330	(02) 6579 1185 0419 220 297	(02) 6579 1485	<a href="mailto:abco@bordnet.com.au">abco@bordnet.com.au</a>	8/09/2009
Gidawaa Walang	76 Lang Street Kurri Kurri NSW 2327	(02) 4937 1094 0411 196 991	(02) 4936 4449		8/09/2009
Ungooroo Cultural and Community Services Incorporated	8 Blaxland Avenue Singleton NSW 2330	0405 204 722			10/09/2009
Upper Hunter Wonnarua Council Inc	124 George St Singleton NSW 2330 P.O Box 184 Singleton	(02) 6571 4888	(02) 6571 4889		11/09/2009 - Fax 14/09/09 - Original Received Mail
Wanaruah Custodians Aboriginal Corporation	P.O Box 242 Singleton NSW 2330			-	15/09/2009
Giwiirr Consultants	8 Fitzgerald Avenue Muswellbrook NSW 2333			-	17/09/2009
Ungooroo Aboriginal Corporation (UAC)	26 George Street Singleton NSW 2330	(02) 6571 5111	(02) 6571 5777	<a href="mailto:taasha@ungooroo.com.au">taasha@ungooroo.com.au</a>	22/09/2009

Cacatua Culture Consultants	22 Ibis Parade Woodberry NSW 2322	(02) 4964 4685	(02) 4964 4635	-	20/09/2009
Aboriginal Native Title Consultants	16A Mahogany Ave Muswellbrook NSW 2333	0417 725 956		-	
Scott Franks	P.O Box 76 Caringbah NSW 1495 OR P.O Box 1502 North Sydney NSW 2060			<a href="mailto:yarrowalk@dodo.com.au">yarrowalk@dodo.com.au</a>	
Barbara Foot via Sarah Paddington of DECCW	Sarah Paddington P.O Bpx 94 Coffs Harbour NSW 2450	(02) 6659 8226	(02) 6651 5356	<a href="mailto:sarah.paddington@environment.nsw.gov.au">sarah.paddington@environment.nsw.gov.au</a>	
Carrawonga Consultants	16B Mahogany Avenue Muswellbrook NSW 2333	0401 154 328			25/09/2009
Mingga Consultants	11 Coolibah Close Muswellbrook NSW 2333	0431 091 527		-	25/09/2009
Lower Hunter Wonnarua Council Tom Miller	51 Bowden Street Heddon Greta NSW 2321	0402 636 521		<a href="mailto:tn.miller@bigpond.com">tn.miller@bigpond.com</a>	25/09/2009
Tracey Skene Culturally Aware	7 Crawford Place Millfield NSW 2325	(02) 4998 0053 0458 983 941			25/05/2009

Llyod Mathews Bullen Bullen Consultants					
Muswellbrook Cultural Consultants Brian Horton					

## ***Appendix C – Project Notification Letters***

Our Ref: J188\_Pt01

24 August 2009

The General Manager  
Singleton Shire Council  
P.O Box 314  
Singleton NSW 2330

Attention: Mr Scott Greensill

Dear Sir

**Re: Development of an Aboriginal Stakeholder Register – Ashton Coal Mine.**

Ashton Coal Operations Pty Limited (ACOL) is seeking to divert Bowmans Creek at its operations at Camberwell. The diversions of Bowmans Creek will be located within the area approved by the Minister for Planning for the Ashton Coal Project underground mine and within the western portion of Mining Lease 1533.

An Environmental Assessment Report and a Subsidence Management Plan will be prepared for the diversions of Bowmans Creek and mining of coal by longwall, extracting four separate seams of coal

We are seeking input from individuals and/or Aboriginal communities to participate and/or be consulted with regarding archaeological investigations associated with the development of the above described project at the existing Ashton Coal Mine located near Camberwell, New South Wales.

In accordance with the NSW Department of Environment, Climate Change and Water (DECCW) – Interim Community Consultation Requirements we hereby notify you that we have placed notices in the Singleton Argus and Sydney Morning Herald newspapers to appear on Friday 28 August, 2009 editions of each paper.

A plan showing the location of the proposed diversions to Bowmans Creek is attached for your information.

Should you wish to discuss this matter please feel free to contact me.

Yours faithfully

**Attach: Plan of Bowmans Creek diversions.**



Our Ref: J188\_Pt01 24 August 2009

The Office of the Registrar of Aboriginal Owners  
Department of Aboriginal Affairs  
Level, 13 Tower B  
280 Elizabeth Street,  
SYDNEY NSW 2000

Attention: Mr M Stewart

Dear Mr Stewart

**Re: Development of an Aboriginal Stakeholder Register – Ashton Coal Mine.**

Ashton Coal Operations Pty Limited (ACOL) is seeking to divert Bowmans Creek at its operations at Camberwell. The diversions of Bowmans Creek will be located within the area approved by the Minister for Planning for the Ashton Coal Project underground mine and within the western portion of Mining Lease 1533.

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Yours faithfully

**Attach: Plan of Bowmans Creek diversions.**

The Notifications Officer  
Native Title Services  
P.O Box 2105  
STRAWBERRY HILLS  
NSW 2012

Dear Sir/Madam

**Re: Development of an Aboriginal Stakeholder Register – Ashton Coal Mine.**

Ashton Coal Operations Pty Limited (ACOL) is seeking to divert Bowmans Creek at its operations at Camberwell. The diversions of Bowmans Creek will be located within the area approved by the Minister for Planning for the Ashton Coal Project underground mine and within the western portion of Mining Lease 1533.

An Environmental Assessment Report and a Subsidence Management Plan will be prepared for the diversions of Bowmans Creek and mining of coal by longwall, extracting four separate seams of coal

We are seeking input from individuals and/or Aboriginal communities to participate and/or be consulted with regarding archaeological investigations associated with the development of the above described project at the existing Ashton Coal Mine located near Camberwell, New South Wales.

In accordance with the NSW Department of Environment, Climate Change and Water (DECCW) – Interim Community Consultation Requirements we hereby notify you that we have placed notices in the Singleton Argus and Sydney Morning Herald newspapers to appear on Friday 28 August, 2009 editions of each paper.

A plan showing the location of the proposed diversions to Bowmans Creek is attached for your information.

Should you wish to discuss this matter please feel free to contact me.

Yours faithfully

**Attach: Plan of Bowmans Creek diversions.**

Our Ref: J188\_Pt01 24 August 2009

Senior Project Officer  
Office of the Registrar, ALRA  
Tranby Aboriginal College  
11-13 Mansfield Street  
GLEBE NSW 2037

Attention: Ms Megan Mebberson

Dear Megan

**Re: Development of an Aboriginal Stakeholder Register – Ashton Coal Mine.**

Ashton Coal Operations Pty Limited (ACOL) is seeking to divert Bowmans Creek at its operations at Camberwell. The diversions of Bowmans Creek will be located within the area approved by the Minister for Planning for the Ashton Coal Project underground mine and within the western portion of Mining Lease 1533.

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A plan showing the location of the proposed diversions to Bowmans Creek is attached for your information.

Should you wish to discuss this matter please feel free to contact me.

Yours faithfully

**Attach: Plan of Bowmans Creek diversions.**

Our Ref: J188\_Pt01 24 August 2009

Executive Director Operations  
Department of Environment and Climate Change  
Locked Bag 914  
COFFS HARBOUR NSW 2450

Attention: Mr Brett Nudd

Dear Sir

**Re: Development of an Aboriginal Stakeholder Register – Ashton Coal Mine.**

Ashton Coal Operations Pty Limited (ACOL) is seeking to divert Bowmans Creek at its operations at Camberwell. The diversions of Bowmans Creek will be located within the area approved by the Minister for Planning for the Ashton Coal Project underground mine and within the western portion of Mining Lease 1533.

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In accordance with the NSW Department of Environment, Climate Change and Water (DECCW) – Interim Community Consultation Requirements we hereby notify you that we have placed notices in the Singleton Argus and Sydney Morning Herald newspapers to appear on Friday 28 August, 2009 editions of each paper.

A plan showing the location of the proposed diversions to Bowmans Creek is attached for your information.

Should you wish to discuss this matter please feel free to contact me.

Yours faithfully

**Attach: Plan of Bowmans Creek diversions.**

Our Ref: J188\_Pt01 24 August 2009

(Insert name/Address)

Dear Sir/Madam

**Re: Diversions to Bowmans Creek – Ashton Coal Operations Pty Limited.**

I wish to advise that Wells Environmental Services Pty Limited have been engaged by Ashton Coal Operations Pty Limited to prepare an Environmental Assessment Report and Subsidence Management Plan for the Diversion of Bowmans Creek at its operations at Camberwell and mining of coal by longwall, extracting four separate seams of coal. The diversions of Bowmans creek will be located within the area approved by the Minister for Planning for the Ashton Coal Project underground mine and within the western portion of Mining Lease 1533. A plan showing the diversion of Bowmans Creek is attached for your information.

We are seeking input from individuals and/or Aboriginal communities to participate and/or be consulted with regarding the above project in accordance with the Department of Environment, Climate Change and Water (DECCW) – Interim Community Consultation Requirements.

You are invited to register your interest in this project.

Registrations of Interest will be used to compile an Aboriginal Stakeholder Register. Groups and individuals listed on the Aboriginal Stakeholder Register may be invited to participate and comment on the Aboriginal Cultural Heritage Assessment being prepared in respect to the project.

To register your interest, please forward correspondence or contact:

Mr Alan Wells  
Wells Environmental Services  
P.O Box 205  
East Maitland NSW 2323  
Telephone: (02) 4934 6588  
Fax: (02) 4934 6788  
Email: [akwells@pacific.net.au](mailto:akwells@pacific.net.au)

Registrations of Interest close at 5.00pm on Friday 11 September, 2009.

Yours faithfully

**Attach: Plan of Bowmans Creek diversions.**

## ***Appendix D – Consultation Log***

#### 24.08.09

Notification of project and request for details of registered Aboriginal stakeholder groups sent to Office of the Registrar ALRA, NSW Native Title Services, Office of the Registrar of Aboriginal Owners, DECC and Singleton Shire Council.

#### 25.08.09

The following groups were invited to register their interest in the project.

<b>Aboriginal Stakeholder Group</b>	<b>Address</b>
Aboriginal Native Title Elders Consultants	16a Mahogany Ave Muswellbrook NSW 2333
Gidawaa Walang	76 Lang Street Kurri Kurri NSW 2327
Black Creek Aboriginal Corporation	P.O Boc 168 Kurri Kurri NSW 2328
Upper Hunter Heritage Consultants	14 Edinglassie Drive Muswellbrook NSW 2333
Giwiir Consultants	8 Fitzgerald Avenue Muswellbrook NSW 2333
Hunter Valley Aboriginal Corporation	PO Box 579 Muswellbrook NSW 2333
Hunter Valley Cultural Consultants	40 Humphries Street Muswellbrook NSW 2333
Hunter Valley Cultural Surveying	33 Gardner Circuit Singleton NSW 2330
Lower Hunter Wonnarua Council Inc.	Shop 2 145 Lang Street Kurri Kurri NSW 2327
Lower Wonnaruah Tribal Consultancy Pty Ltd	156 The Inlet Road Bulga NSW 2330
Mimagen Wajaar Pty Ltd	7 Wybalena Close Kilaben Bay NSW 2283
St Clair Singleton Aboriginal Corporation	PO Box 710 Singleton NSW 2330
Ungooroo Aboriginal Corporation	PO Box 3095 Singleton NSW 2330
Wonnaruah Elders Council	PO Box 184 Singleton NSW 2330
Valley Culture	140 Sydney Street Muswellbrook NSW 2333
Wanaruah Custodians	35 Acacia Circuit Singleton NSW 2330
Wattaka Wonnarua Cultural Consultancy Service	4 Kennedy Street Singleton NSW 2330
Wonnarua Culture Heritage	19 O'Donnell Crescent Metford NSW 2323

<b>Aboriginal Stakeholder Group</b>	<b>Address</b>
Wonnarua Nations Aboriginal Corporation	PO Box 3066 Singleton NSW 2330
Upper Hunter Wonnarua Council Inc.	P.O. Box 184 Singleton NSW 2330
Yamuloong Group Initiatives Ltd	PO Box 2128 Dangar NSW 2309
Mingga Consultants	11 Coolibah Close Muswellbrook NSW 2333
Yarrawalk Enterprises	913 Wollombi Rd Broke NSW 2330
Culturally Aware	7 Crawford Place Millfield NSW 2325
Awabakal Traditional Owners Aboriginal Corporation	PO Box 253 Jesmond NSW 2299
Muswellbrook Cultural Consultants	10 Scott Street Muswellbrook NSW 2333
Hunter Valley Natural & Cultural Resource Management	Flat 3/60 Tindale Muswellbrook NSW 2333
Wonn1 Contracting	619 Main Road Glendale NSW 2285
Awabakal Descendants Traditional Owners Aboriginal Corporation	PO Box 38 Wallabadah NSW 2343
Ungooroo Cultural & Community Services	8 Blaxland Ave Singleton NSW 2330
Yinarr Cultural Services	7 Cypress Place Muswellbrook NSW 2333

### **27.08.09**

Correspondence sent to all groups mentioned above advising that registrations of interest close on 25.09.09 rather than 11.09.09.

### **11.09.09**

Advertisements placed in the public notices section of the Sydney morning Herald and the Singleton Argus newspapers.

### **August – September 2009**

The following groups registered their interest in the project.

<b>Aboriginal Stakeholder</b>	<b>Date of Registration</b>
Wattaka Wonnarua Traditional Owner	26/08/09
Wonnarua Culture Heritage	28/08/09
Yinarr Cultural Service	29/08/09 30/08/09



<b>Aboriginal Stakeholder</b>	<b>Date of Registration</b>
Wonn 1 Contracting	01/09/09 - Phone
Hunter Valley Cultural Surveying	01/09/09 - Fax
Yarrowalk Enterprises Barry McTaggart	28/08/09 – Email 08/09/09
Hunter Valley Cultural Consultants	07/09/09
Upper Hunter Heritage Consultants	07/09/09
Gidawaa Walang	08/09/09
Ungooroo Cultural and Community Services Incorporated	10/09/09
Upper Hunter Wonnarua Council Inc	11/09/09 – Fax 14/09/09 - Original
Wanaruah Custodians Aboriginal Corporation	15/09/09
Giwiirr Consultants	17/09/09
Ungooroo Aboriginal Corporation (UAC)	22/09/09
Cacatua Culture Consultants	20/09/09
Aboriginal Native Title Consultants	04/09/09
Scott Franks	02/09/09
Barbara Foot via Sarah Paddington of DECCW	03/09/09
Carrawonga Consultants	25/09/09
Mingga Consultants	25/09/09
Lower Hunter Wonnarua Council	25/09/09
Culturally Aware	25/09/09
Muswellbrook Cultural Consultants	
Bullen Bullen Heritage Consultants	
Wanaruah Local Aboriginal Land Council	07/10/09
Wonnarua Nations Aboriginal Corporation	12/10/09 - Phone

## September – October 2009

Acknowledgements of registrations sent out to registered groups.

### 29.09.09

Correspondence sent to stakeholders via registered mail advising of meeting date and time.

<b>Stakeholder Group</b>	<b>Address</b>	<b>Post Office Reference Number</b>
Wonnarua Culture Heritage	19 O'Donnell Crescent Metford NSW 2323	530729290012
Yinarr Cultural Service	7 Cypress Place Muswellbrook NSW 2333	530729300018
Wonn 1 Contracting	619 Main Road Glendale NSW 2285	530729285018
Hunter Valley Cultural Surveying	2/8 Midanga Ave Muswellbrook NSW 2333	530729295017
Yarrawalk Enterprises Barry McTaggart	913 Wollombi Road Broke NSW 2330	530729286015
Hunter Valley Cultural Consultants	40 Humphries Street Muswellbrook NSW 2333	530729296014
Upper Hunter Heritage Consultants	14 Edinglassie Drive Muswellbrook NSW 2333	530729287012
Gidawaa Walang	76 Lang Street Kurri Kurri NSW 2327	530729297011
Ungooroo Cultural and Community Services Incorporated	8 Blaxland Avenue Singleton NSW 2330	530729164016
Upper Hunter Wonnarua Council Inc	124 George St Singleton NSW 2330 P.O Box 184 Singleton	530729248013
Wanaruah Custodians Aboriginal Corporation	P.O Box 242 Singleton NSW 2330	530729245012
Giwiirr Consultants	8 Fitzgerald Avenue Muswellbrook NSW 2333	530729250016
Ungooroo Aboriginal Corporation (UAC)	26 George Street Singleton NSW 2330	530729249010
Cacatua Culture Consultants	22 Ibis Parade Woodberry NSW 2322	530729247016

<b>Stakeholder Group</b>	<b>Address</b>	<b>Post Office Reference Number</b>
Aboriginal Native Title Consultants	16A Mahogany Ave Muswellbrook NSW 2333	530729246019
Scott Franks	P.O Box 76 Caringbah NSW 1495	530729244015
Scott Franks	P.O Box 1502 North Sydney NSW 2060	530729243018
Barbara Foot via Sarah Paddington of DECCW	Sarah Paddington P.O Bpx 94 Coffs Harbour NSW 2450	530729303019
Carrawonga Consultants	16B Mahogany Avenue Muswellbrook NSW 2333	530729306010
Mingga Consultants	11 Coolibah Close Muswellbrook NSW 2333	530729309011
Lower Hunter Wonnarua Council	51 Bowden Street Heddon Greta NSW 2321	5307292304016
Culturally Aware	7 Crawford Place Millfield NSW 2325	53072930717
<b>07.10.09</b>	Telephone the following groups to check if they were attending the meeting	
	Wonnarua Culture Heritage	Spoke To Jason. Gordon will attend the meeting.
	Wonn 1 Contracting	Spoke to Arthur who was out of the office. Asked that an email reminder be sent. Sent email to Arthur at 2.10pm. Arthur called advising he will attend the meeting
	Hunter Valley Cultural Surveying	Spoke to Luke, who said he will attend the meeting.
	Yarrawalk Enterprises	Left Message on both numbers.
	Hunter Valley Cultural Consultant	11.32 am left message
	Upper Hunter Heritage Consultants	No. Answer

Ungooroo Cultural and Community Services Incorporated	Number not connected
Upper Hunter Wonnarua Council Inc	Spoke to Roda. R Perry or Georgina will attend the meeting.
Wanaruah Custodians Aboriginal Corporation	No number given.
Ungooroo Aboriginal Corporation	Left message on mobile. Also sent email Taasha rang back to say Alan will attend the meeting.
Aboriginal Native Title Consultants	Spoke to John, who will attend the meeting.
Carrawonga Consultants	Left message. 13/10/2009 Message left on answering machine stating that a representative will attend the meeting.
Mingga Consultants	Left number. 13/10/2009 Message left on answering machine stating that a representative will attend the meeting.
Tracey Skene Culturally Aware	Left Message on mobile. Tracey rang back and will attend
Muswellbrook Cultural Consultants	Spoke to Brian who will attend the meeting.
Bullen Bullen Heritage Consultants	Spoke to John, who will pass on the message.

#### 07.10.09

Draft report supplied to all stakeholders via registered mail.

Stakeholder Group	Address	Post Office Reference Number
Wonnarua Culture Heritage	19 O'Donnell Crescent Metford NSW 2323	530729341011
Yinarr Cultural Service	7 Cypress Place Muswellbrook NSW 2333	530729332019
Wonn 1 Contracting	619 Main Road Glendale NSW 2285	530729342018
Hunter Valley Cultural Surveying	2/8 Midanga Ave Muswellbrook NSW	530729321013

<b>Stakeholder Group</b>	<b>Address</b>	<b>Post Office Reference Number</b>
	2333	
Yarrowalk Enterprises Barry McTaggart	913 Wollombi Road Broke NSW 2330	530729349017
Hunter Valley Cultural Consultants	40 Humphries Street Muswellbrook NSW 2333	530729337014
Upper Hunter Heritage Consultants	14 Edinglassie Drive Muswellbrook NSW 2333	530729347013
Gidawaa Walang	76 Lang Street Kurri Kurri NSW 2327	530729336017
Ungooroo Cultural and Community Services Incorporated	8 Blaxland Avenue Singleton NSW 2330	530729346016
Upper Hunter Wonnarua Council Inc	124 George St Singleton NSW 2330 P.O Box 184 Singleton	530729338011
Wanaruah Custodians Aboriginal Corporation	P.O Box 242 Singleton NSW 2330	530729252010
Giwiirr Consultants	8 Fitzgerald Avenue Muswellbrook NSW 2333	530729253017
Ungooroo Aboriginal Corporation (UAC)	26 George Street Singleton NSW 2330	530729254014
Cacatua Culture Consultants	22 Ibis Parade Woodberry NSW 2322	530729262019
Aboriginal Native Title Consultants	16A Mahogany Ave Muswellbrook NSW 2333	530729263016
Scott Franks	P.O Box 76 Caringbah NSW 1495	530729264013
Scott Franks	P.O Box 1502 North Sydney NSW 2060	530729265010
Barbara Foot	35 Acacia Street Hunternview NSW 2330	530729209014
Carrawonga Consultants	16B Mahogany Avenue Muswellbrook NSW 2333	530729266017
Mingga Consultants	11 Coolibah Close Muswellbrook NSW 2333	530729267014

<b>Stakeholder Group</b>	<b>Address</b>	<b>Post Office Reference Number</b>
Lower Hunter Wonnarua Council	51 Bowden Street Heddon Greta NSW 2321	530729268011
Culturally Aware	7 Crawford Place Millfield NSW 2325	530729269018
Muswellbrook Cultural Consultants	10 Scott Street Muswellbrook NSW 2333	530729270014
Bullin Bullin Heritage Consultants	16A Mahogany Avenue Muswellbrook NSW 2333	530729202015
Wanaruah Local Aboriginal Land Council	P.O Box 127 Muswellbrook NSW 2333	5301729210010

### **13.10.09**

The following groups attended a meeting held at ACOL administrative offices.

<b>Stakeholder Group</b>	<b>Representative</b>
Yarrawalk	Scott Franks Barry French
Cacatua Culture Consultants	George Sampson
Giwiirr Consultants	Michele Stair Barry Stair
Gidawaa Walang	Annie Hickey
Wonnarua Culture Heritage	Shannon Griffiths
Wonn 1 Contracting	Arthur Fletcher
Hunter Valley Cultural Surveying	Luke Hickey
Upper Hunter Wonnarua Council Inc.	R. Perry
Ungooroo Aboriginal Corporation	Allen Paget
Culturally Aware	Tracey Skene
Aboriginal Native Title Consultants	Margaret Matthews
Muswellbrook Cultural Consultants	Michael Matthews
Wonnarua Nation	Maree Waugh
Upper Hunter Heritage Consultants	John Matthews

<b>Stakeholder Group</b>	<b>Representative</b>
Hunter Valley Cultural Consultations	Colleen Stair
Bullen Bullen Heritage	Lloyd Matthews Peter Watton Kylie Matthews
Wanaruah Custodians	David Foot
Wattaka Wonnarua Traditional Owner	Des Hickey
Yinarr Cultural Services	K Kinchilla
Lower Hinter Wonnarua Council	Tom Miller
Wanaruah Local Aboriginal Land Council	Suzie Worth
Upper Hunter Heritage Consultants	Darrel Matthews

### **13.10.09**

**Meeting results** - a motion was passed to hold a workshop on the 24 & 25<sup>th</sup> of October, 2009 to allow the community to fully discuss the diversion project. Results of meeting and individual views to be back by the 30<sup>th</sup> October 2009.

### **16.10.09**

Following meeting held 13 October, 2009. Draft report sent to Wattaka Wonnarua Traditional Owners by email.

## ***Appendix E - Stakeholder Comments***



Email forwarded from Wells Environmental Services 3<sup>rd</sup> September 2009.

**From:** Sarah Paddington [mailto:Sarah.Paddington@environment.nsw.gov.au]

**Sent:** Thursday, 3 September 2009 11:23 AM

**To:** akwells@pacific.net.au

**Cc:** belinda.parker@planning.nsw.gov.au; rohan.tayler@planning.nsw.gov.au; Brett Nudd; Davey Gary

**Subject:** Cultural Heritage Concerns within Ashton Mine Projects

Dear Alan,

As discussed over the phone yesterday afternoon, DECCW has been contacted by Aunty Barb (Barbara Foot of Wanaruah Custodians) to convey her concerns about the projects within the Ashton mine. Aunty Barb is very sick and frail presently and she asked if we would relay her concerns to the relevant people. We understand there are presently 3 projects at various stages of assessment under Part 3a (EP&A Act) for Ashton mine. Aunty Barb's background information below relates to the cultural significance and cultural connection to the area, and this information may relate to one or multiple Ashton projects.

Aunty Barb requested that we would be the conduit for all updates about these projects back to her. Can you please respect Aunty Barb's request by passing information back to her via us in the short term (unless it causes there is a conflict), however, Ashton will need to organise a suitable communication system or someone within the Aboriginal community whom Aunty Barb would be happy to speak for her and who can act in this role in the longer term.

Aunty Barb's concerns are as follows:

The area in which Ashton mine is

'located is an area of very high significance to me and my people. It is an area used for fishing and used to go between fishing spots and the mission. There are fish traps in there, and burials in the area. There are lots of sites with spearheads used for spears. Large sites with hundreds of artefacts that are very important to my people. We'd walk along Bowman's to Glennies then Main creek to the mission. Along there are waterholes with markings on the walls from sharpening axes. The kingfishers are also important there. They are almost pushed out of that area now. They're important too. It's got to stop. We have to protect these places. We've got to preserve these places. I'm the only Elder left in this area. The only Elder that's earned my title. There is too much being destroyed now. We can't let this happen. We have to preserve our culture.'

I conducted a search on our DECCW AHIMS database today and compared the results against the maps from both the 'longwall mini wall' project and the 'south east open cut' project. I do not have maps of the location of the 'Bowman's creek diversion' project. Without georeferenced layers of the 3 project boundaries, the following notes about our knowledge of Aboriginal sites and how they relate to these projects can be considered indicative only. There are a large number of sites within the SEOC project comprising of Aboriginal objects (artefact scatters or isolated finds). AHIMS does not have a fish trap recorded in this immediate area, however, this does not mean they do not exist. It could mean that either the site is not recorded or it is in a section of the creeks further up or down stream from the area of the SEOC area.

Ashton will need to ensure their assessments demonstrate effective (transparent, equitable and culturally appropriate) consultation with all local Aboriginal community groups, including how they address Aunty barb's concerns (and any others received) and how feedback is used to update the assessment (if and as relevant), and show how this information has been taken into account for the recommendations/actions proposed for the proposed project.

The views, significance and concerns about sites/management will need to be fed back to the relevant project manager/ assessing officer/ consultant etc. If I have not included the relevant people in this please ensure it is forwarded on to all the necessary people.

Kind regards,  
Sarah

Sarah Paddington | Archaeologist | North East Branch | Aboriginal Heritage Section | Environment Protection and Regulation Group | **Department of Environment, Climate Change and Water (DECCW)** | PO Box 914 Coffs Harbour NSW 2450 | p: 6659 8226 | f: 6651 5356 |